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THE RISE AND GROWTH OF THE ENGLISH NATION

WITH SPECIAL REFERENCE
TO EPOCHS AND CRISES

A HISTORY OF AND FOR THE PEOPLE

BY
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IN THREE VOLUMES
VOL. I. TO A. D. 1399

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PREFACE.

THIS Work, the result of many years' research and labour, is submitted to the consideration of those who, like the Author, are proud of the land of their birth, and who find pleasure in tracing the Rise and Growth of the Nation, and the course of its History with reference to European and world-wide movements.

It is written in no partisan or sectarian spirit, and is not designed to advocate any particular theory of Politics, of Philosophy, or of Religion; but it claims to be thoroughly patriotic, and is inspired by a love of the freedom that springs out of righteousness.

As is fully explained in the first Chapter, an attempt is made to exhibit the development of the English people; with the varying phases of their daily life, the formation of the national character, the continuity and application of great principles, and the growth of constitutional liberties.

Special attention is given to great Crises and Epochs, such as Saxon Influences; the Norman Infusion; Feudalism; the Contests and Blending of Races; the Great Charter; the Black Death and Statutes of Labourers; the Wars of the Roses; the Revival of Learning; the Spread of Literature; Great Inventions and Discoveries; the Reformation; the Stuart Conflict, and the Glorious Revolution.

The Rise of the Middle and Trading Classes, and of Municipal Institutions; Legal Procedure; Parliamentary Settlements; the relation of the Redress of Grievances to the Granting of Supply; the treatment of Crime and Pauperism; with Industrial, Commercial, and Domestic Matters, are adequately described.

A Bibliographical List is prefixed to this Volume; giving the Titles of Standard Works in various branches of Historical inquiry. At the close of the third Volume will be found a copious Index, by the aid of which, and of the detailed Tables of Contents, the information is made easily accessible.

CROYDON, *April*, 1895.

GENERAL SYNOPSIS OF THE WORK.

Period.		A.D.	Chapters.
I.	Inception ...	To 1066 ...	1–6
II.	Struggles ...	1066–1216 ...	7–13
III.	Formation ...	1216–1327 ...	14–20
IV.	Development ...	1327–1399 ...	21–27
V.	Retrogression ...	1399–1509 ...	28–32
VI.	Renaissance ...	1509–1530 ...	33–36
VII.	Nationalization ...	1530–1558 ...	37–41
VIII.	Progress ...	1558–1603 ...	42–47
IX.	Pause and Reaction	1603–1640 ...	48–53
X.	Idealism ...	1640–1658 ...	54–58
XI.	Revolution ...	1658–1702 ...	59–63
XII.	Constitutionalism	1702–1760 ...	64–69
XIII.	Repression ...	1760–1820 ...	70–77
XIV.	Revival ...	1820–1846 ...	78–82
XV.	Actual & Potential	1846–1895 ...	83–87

CONTENTS OF VOLUME I.

BIBLIOGRAPHICAL LIST, xvi.–xxiv.
HISTORICAL LANDMARKS, xxv.–xxxii.

Period I.—Inception. To A.D. 1066.

CHAPTER I.—MYTHS, LEGENDS, AND ROMANCES.

	PAGE		PAGE
Ideal and Actual History	2	Transcripts and Embellishments	11
Exaggerated Individualism	3	Monkish Chronicles	11
True Kings of Men	4	Hardy's 'Descriptive Catalogue'	13
Constitutional Epochs	5	Pre-Historic Times	14
Spirit of Freedom	5	Archæological Remains	14
A Panorama of the Past	6	Classical References	15
Sources of Information	7	Primitive Inhabitants	16
Record Commission	7	Country partially settled	17
Chronicles and Memorials	8	The Britons	18
Calendars of State Papers	8	The Druids	19
Authorities for Special Eras	9	Stonehenge	19
World-wide Movements	9		
Early Traditions	10		

CHAPTER II.—ROMANS IN BRITAIN. B.C. 55–A.D. 410.

Julius Cæsar	20	Villas.—Solid Masonry	29
Vespasian.—Boadicea	21	Existing Remains	30
Julius Agricola	22	Industries and Manufactures	31
Roman Wall	24	Pottery and Metal-Work	31
'Notitia Imperii.'—Severus	25	Roach Smith's Researches	32
Withdrawal of Romans	26	Funeral Rites	33
Military Roads.—Saxon Streets	27	Articles disinterred	33
Principal Towns	28	Social Effects	34

CHAPTER III.—NATIONAL ACCRETION AND FORMATION. A.D. 410–901.

Tribal Rivalries	35	Boldness and Ferocity	42
The Welsh.—Picts and Scots	36	Repeated Incursions	43
Saxon Settlers	37	Æthelwulf	43
Their Characteristics	38	Ælfred the Great	44
Arthurian Legends	39	Guthrum	44
Coast Settlements	39	The Danelagh	45
Ella.—Cerdic	40	Names of Towns	45
Vague Kingdoms	40	An Incipient Navy	46
Egberht of Wessex	40	Ælfred's Work and Character	46
Figment of a Heptarchy	41	The Fyrd, or Militia	47
Milton's 'Kites and Crows'	41	Ælfred's Administration	47
Danes, or Northmen	41	An English Prototype	48

CHAPTER IV.—SAXON LAWS AND USAGES. A.D. 600–1000.

	PAGE		PAGE
Food and Drink	49	Landless Men.—Slavery	61
Dress and Ornaments	50	The Witenagemót	62
Dwellings and Architecture	51	Varied Functions	62
The Arts	52	Shiremote	63
Simples and Charms	53	Ealdorman and Sheriff	63
Votive Offerings.—Surgery	54	Hundred-Court	64
Saxon Language.—Bæda	55	Tithings.—Jurisdictions	64
Cædmon.—Cynewulf	56	Local Names and Customs	65
School of York	57	Land Tenure	65
Saxon Chronicle	58	Folcland and Bocland	65
Æthelberht of Kent	58	The Mark System	65
Codes of Laws.—Mulcts	58	Townships. — Boroughs. — Manors	66
Trial by Ordeal	59	London and other Cities	67
Ælfred's Dom-boc	59	Origin of Privileges	67
Compurgators	60	Guilds.—Scot and Lot	68
Relative Value of Oaths	61		

CHAPTER V.—RISE OF ECCLESIASTICISM. A.D. 597–1042.

St. Augustine's Mission	68	Episcopal Dioceses	82
Nominal Converts	69	Sparse Population	83
Archbishop Theodore	69	Appointment of Bishops	83
Rights of Patronage	70	Disputes on Investitures	84
Alleged British Church	70	Ælfred's Successors	84
St. Aidan and Missionaries	70	Danish Inroads	85
Relapses into Heathenism	71	Battle of Brunanburh	85
Roman Parentage of Church	71	Æthelstan	85
Uncertainty of Numbers	72	Descriptive Names	86
St. Augustine of Hippo	73	More Danish Attacks	87
Influence on Theology	73	Bribes.—The Danegeld	87
Tithes.—Peter's Pence	74	Massacre of Danes	88
Assumptions by Rome	75	Critical Condition	88
National Resistance	75	Thurkill's Inroad	89
Monasticism.—Augustinians	76	Eadmund Ironside	89
Benedictines. — Principal Abbeys	77	Saxon Rule ended	90
Enormous Wealth	78	Fresh Infusion needed	90
Privileges and Exemptions	78	"Pot-bellied Equanimity"	90
A New Papal Army	79	Conquerors absorbed	91
St. Dunstan.—Celibacy	80	Cnut and his Policy	91
Carthusians.—Cistercians	80	A Scandinavian Kingdom	91
Rural Clergy	81	Harold Harefoot	92
Relics.—Miracles	82	Harthacnut	92
		England and Denmark	93

CHAPTER VI.—A FINAL CONTEST OF RACES. A.D. 1042–1066.

Eadward the Confessor	93	English Character and Habits	95
Norman Favourites	94	The Norman Stock	95
Outrages at Dover	94	Robert the Devil	96

	PAGE		PAGE
William's Visit to England	97	Miscellaneous Mercenaries	107
Earl Godwine	98	Halley's Comet	108
His Son, Harold	99	Harold's Precautions	108
Death of Eadward	100	Another Norwegian Inroad	109
Westminster Abbey built	100	Battle of Fulford	109
Eadgar Ætheling	101	Harold's March Northwards	109
Harold elected and crowned	101	Battle of Stamford Bridge	110
William claims the Throne	102	Landing of the Normans	110
Appeals to Religious Sentiment	103	Unfortunate Delays	110
Harold's Alleged Oath	103	Harold's Arrangements	111
Papal Intervention	104	Battle of Hastings	112
Hildebrand (Gregory VII.)	105	Death of Harold	113
His Ambition and Capacity	105	Heavy Losses	113
Ultimate Papal Designs	106	No National Leader	113
Preparations for Invasion	107	Popular Regard for Harold	114

Period II.—Struggles. A.D. 1066–1216.

Chapter VII.—Norman Infusion and Feudalism. A.D. 1066–1086.

William's Title of Conqueror	116	Historical Romance	127
Pretended Succession	116	Customs and Courts perpetuated	128
Fresh Arrivals	117	Policy of William I.	128
March on London	117	Native Speech continued	129
Internal Dissensions	118	And English Law	129
An Informal Election	118	The Curfew.—Cinque Ports	129
Coronation.—Panic	118	New Forest	129
Charter to London	119	Stringent Regulations	129
Misrule.—Slow Subjugation	119	William's Passion for Hunting	130
Resistance in the West	120	Brutal Game Laws	131
Trampled out.—Confiscation	120	Domesday Book	132
Burning, Pillage, and Murder	121	Its Name and Scope	132
Yorkshire ravaged	122	A Contemporary Picture	133
And the Midland Districts	123	New Tenure of Land	134
Hereward and the Fens	123	Modified Feudalism	134
Plunder and Forfeiture	124	William's Caution	135
Character of the Settlers	125	Gradual Changes	135
Boast of Norman Lineage	126	Oath of Fealty	136
Most Peerages modern	126	Growth of Baronial Power	136
Nature of the Conquest	126		
A Fusion of Systems	127		

Chapter VIII.—King and Church. A.D. 1070–1154.

Hildebrand's Policy	137	A Struggle Inevitable	140
False Decretals	137	Civil and Ecclesiastical Courts	141
Foreign Priests arrive	138	Battle Abbey	141
Archbishop Lanfranc	139	Episcopal Exemption claimed	142
William's Attitude	139	The Pope favours the Monks	142
Historical Continuity	140	William I. and his Barons	142

	PAGE		PAGE
His Last Days	143	Killed in New Forest	150
Character and Policy	144	Henry I.—Charters	151
William Rufus' Usurpation	145	Contests with the Church	152
Appeals to the English	145	Anselm's Character	153
Arrangement with Robert	146	Earliest of the Schoolmen	153
The Crusades	146	Alexander of Hales	154
Physical and Moral Effects	146	Baronial Tyranny	155
Indirect Advantages	147	Rivals to the Throne	155
Misgovernment of Rufus	147	Stephen's Usurpation	156
Extortion and Simony	148	Anarchy and Suffering	156
Dispute with Anselm	148	A New Era	157
Alleged Sacrilege and Impiety	149	Henry of Anjou	157

CHAPTER IX.—SOCIAL GLIMPSES. A.D. 1000–1200.

William of Malmesbury	158	Corporate Rights purchased	166
Giraldus Cambrensis	159	London Charters	166
John of Salisbury	160	Provincial Towns	167
Walter Mapes	160	Trade Jealousy	167
Matthew Paris	161	The Servile Class	168
Alexander Neckham	161	Diverse Conditions	168
Cycles of Fashion	162	Copyholders.—Castles	169
Caricatures and Sermons	162	Manorial Courts	169
Architecture. — London. — Windsor	163	Gradual Amelioration	170
Wooden Dwellings	164	Influence of the Church	170
Use of Wine.—Traders	165	Police and Judicial Systems	170
		Mute Suffering	171

CHAPTER X.—CONSTITUTIONAL AND LEGAL DEVELOPMENTS. A.D. 1154–1189.

The Plantagenets Foreigners	171	Records and Tallies	180
Henry II. of Anjou	172	Assize of Clarendon; of Northampton	181
Continental Possessions	173	Justices Itinerant	182
Charter of Liberties.—Judicature	174	Kingly Authority strained	182
Legatine and Provincial Constitutions	175	Baronial Power curbed	183
Early Legal Treatises	175	Scutage, or Shield-Money	183
Eminent Justiciars	176	Sheriffs.—Assize of Arms	184
Curia Regis.—Law's Delay	177	Military Force	185
Bribery.—Regal Itineraries	178	Trial by Jury	186
Earlier Judicial Eyres	179	Slow Growth of the System	186
Exchequer Court.—Roll of the Pipe	180	*Peine forte et dure*	186
		Wager of Battle	187

CHAPTER XI.—THE CHURCH OR THE STATE. A.D. 1154–1170.

Origin of the Dispute	187	Points in Dispute	192
Papal Claims	188	Real Issue	193
Appeals to Rome	189	Constitutions of Clarendon	194
Becket. — Romance and Reality	190	High Church and Erastian Views	194
Chancellor and Archbishop	191	Becket's Rupture with Henry	195

	PAGE		PAGE
Six Years' Conflict	196	Canterbury Pilgrims	199
Return to Canterbury	197	Colet and Erasmus	199
Fresh Disputes	197	Principles at Stake	200
The Murder.—Beatification	198	Becket's Struggle useless	200

CHAPTER XII.—REGAL TYRANNY AND EXACTIONS. A.D. 1156–1215.

Pope Adrian IV.	201	Oppressive Taxation	211
Grant of Ireland	201	William Fitz-Osbert, or Long-beard	212
Irish Church Independent	202	Nameless Patriots	213
Early History of Ireland	203	Modified Hereditary Succession	214
The People.—Round Towers	203	Parliamentary Title to Crown	214
Invasion. — Supposed Conquest	204	John a Usurper	215
Synod of Cashel.—The Pale	205	French Possessions lost	215
Trade and Commerce	205	Angevin Diabolism	216
Donnybrook Fair	206	"Servant of the Servants of God"	217
Family Feuds of Henry II.	206	Cardinal Langton	217
Not Founder of Common Law	207	An Interdict for Six Years	217
His Commercial Piety	208	England a Fief of Rome	218
Richard I.	209	Fourth Lateran Council	218
Knight Errantry	209	Rome at its Zenith	218
Wasteful Wars	210		

CHAPTER XIII.—THE GREAT CHARTER OF LIBERTIES. A.D. 1215–1216.

Arbitrary Rule	219	The Provisions.—Wrongs redressed	226
Monarchy and Baronage	219	Clauses on Taxation	227
Refusal to pay Scutage	219	Extensions inevitable	228
Capricious Exactions.—Bribes	220	"Bible of the Constitution"	229
Sale of Justice	221	Subsequent Ratifications	230
Instances from Fine Rolls	221	Principles applied	230
Oppression of the Jews	222	Action of the Barons	231
John's Licentiousness	223	Langton's Share	231
Discontent and Resistance	223	John's Evasion. — Securities exacted	232
Old Charter discovered	224	John appeals to Rome	232
Confederacy at Bury	224	Hires Mercenaries	233
Army of God and Church	225	Barons' Overtures to Dauphin	234
Conference at Runnymede	225	John's Death	235
Great Charter. — Existing Copies	225		

Period III.—Formation. A.D. 1216–1327.

CHAPTER XIV.—THE PAPACY AND THE FRIARS. A.D. 1216–1246.

Accession of Henry III.	236	Monastic Degeneracy	238
Pembroke the Regent	236	Cistercians and Giraldus	239
Papal Claims.—Pandulph	237	'The Land of Cockayne'	240

	PAGE		PAGE
Dominicans and Franciscans	241	National Liberty asserted	245
Distinctive Dress	242	Bishop Grosseteste	246
Labours among Poor	243	Attainments and Writings	246
Speedy Corruption of Friars	243	Jews persecuted	247
Friars-Observants	243	Final Expulsion	249
Eminent Members	244	Their Sacred Writings	249
Papal Exactions	245	Maimonides	249

CHAPTER XV.—KING, BARONS, AND COMMONS. A.D. 1216-1272.

Complaints of Foreigners	250	Provisions of Oxford	258
Queen's Gold	251	And of Westminster	259
Henry's Extravagance	252	Five Years' Storm and Trouble	259
Aids and Tallages	252	Award of Louis IX.	260
Arbitrary Methods. — Grievances	253	Poems and Songs	260
Stringent Forest Laws	254	First Parliament	261
Charters confirmed, on Conditions	255	House of Commons	262
A Histrionic Ceremony	256	City and Town Burgesses	262
Simon de Montfort	256	Witan: Great Council: Parliament	263
Henry's Falsity	257	Fresh Party Troubles	264
Committee of Barons	258	Battle of Evesham	264
Knights of the Shire	258	Dictum of Kenilworth	265

CHAPTER XVI.—LAW AND THE JUDICATURE. A.D. 1272–1290.

An Historical Epoch	266	'Speculum Juris,' by Durand	273
Edward I.	267	Instructions to Counsel	273
Growth of Middle Class	267	State Documents.—Records	274
Queen Eleanor	268	Latin and Norman-French	274
Wales invaded	269	Seals and Wax	274
Corruption among Judges	271	Attestations.—Signs-Manual	275
Codification of Laws	271	Inquiries into Abuses	275
Changes in Legal Procedure	272	Hundred-Rolls	275
King's Bench; Common Pleas; and Exchequer Courts	272	Condition of the People	276
		Statute of *Quia Emptores*	276
		Of *Quo Warranto*	277
The Statutes.—Year Books	272	Perambulators of Forests	277

CHAPTER XVII.—DISPUTES WITH THE CLERGY. A.D. 1272–1307.

Growth of Parliaments	278	Clerical Wealth and Power	283
Diverse Usages	278	Renewal of Old Disputes	283
Class Representatives	278	Statute of Mortmain	284
States-General of France	279	Clergy refuse to pay Taxes	284
House of Lords	279	And are outlawed	285
Fifteenths and Tenths	280	They purchase Peace	286
Principles of Self-Taxation	280	Boniface VIII. and Scotland	286
Heavy Imposts	281	Barons' Protest	287
Taxes on Wool, Wine, &c.	281	Foreign Ecclesiastics	287
Protests and Resistance	282	Papal Legates	288
Great Charter confirmed	282	Appeals to Rome	288

Chapter XVIII.—Scottish Affairs. A.D. 1291–1327.

	PAGE		PAGE
National Prejudices	289	His Favourites	299
Claimants for the Throne	289	Ordinances of 1311	299
Edward I. asked to decide	290	Contests with Barons	300
John Baliol selected	291	More Troubles in Scotland	300
He renounces Edward	291	An Invasion in Force	301
English Guardian appointed	292	Battle of Bannockburn	301
Fresh Outbreaks.—Wallace	292	Famine and Pestilence	301
Battles and Sieges	293	Civil War.—Queen's Plot	302
Desolation and Anarchy	294	Edward II. a Fugitive	303
Robert Bruce	295	Capture and Murder	303
Family and Party Feuds	296	Growth of National Liberties	304
Death of Edward I.	297	Supply and Grievances	304
His Purposes and Work	297	Right of Petition	304
Edward II.	298	Knights Templars suppressed	305

Chapter XIX.—Domestic Manners. A.D. 1200–1400.

Stories and Romances	305	Meals and Hours	315
Treatment of Women	306	Beds and Furniture	315
Vagaries of Fashion	307	Artificial Light	316
Books on Manners	307	Domestic Implements	316
Charlatans and Quacks	308	Valuations for Subsidies	317
Pedlars and Chapmen	309	Feats of Strength and Skill	317
Principal Seaports	309	Field-Sports.—Hawking	318
Wealth of Norfolk	310	Jongleurs and Minstrels	318
Imports.—Foreign Trade	310	Feast of Fools	319
Sir John Mandeville	311	Mystery and Miracle Plays	319
Fruits and Vegetables	311	Size and Uses of Churches	320
Currency and Coinage	312	Early English Architecture	321
Spicery.—Brewing	313	Other Orders.—Instances	321
Adulteration of Food	313	Ordinary Dwellings	322
Cookery Books and Utensils	314	Rare Use of Glass	322
Monastic Epicures	314	Artisans' Wages	322

Chapter XX.—Agriculture, Travelling, &c. A.D. 1200–1400.

Leases.—Rents and Prices	323	Tyranny of Nobles	331
Farming Methods.—Villages	324	Suspicion of Strangers	332
Rates of Produce	325	Crime and Punishments	333
Mills.—Cost of Stones	326	Prisons.—The Gallows	333
Roads.—Bridges.—Tolls	327	Pages.—Bower-Maidens	334
Messengers and Couriers	327	Education.—Winchester School	335
Conveyances.—Horses	328	William of Wykeham	335
Perils of the Road	329	The Universities	336
Guest-Houses.—Inns	329	Patrons of Learning	337
Justices of the Peace	330	Endowments	338
Feuds and Lawlessness	330		

Period IV.—Development. A.D. 1327–1399.

Chapter XXI.—England or France Predominant. A.D. 1327–1373.

	PAGE		PAGE
Accession of Edward III.	340	Massacre at Limoges	347
Scottish Affairs.—Stuarts	340	False Chivalry	347
Crown of France claimed	341	Battle of Poitiers	348
Battles of Sluys and Creçy	342	French Provinces overrun	348
Gunpowder and Cannon	343	King John a Captive	348
Capture of Calais	344	Rising of Jacquerie	349
Home Grievances. — Monopolies	345	Treaty of Bretigny	349
Legislative Resistance	345	Fresh Hostilities	350
Ravages of Black Prince	346	France again lost	350
		Waste of the Conflict	351

Chapter XXII.—The Black Death and Statutes of Labourers. A.D. 1348–1360.

Former Outbreaks of Plague	352	Economic Results of Black Death	358
The Great Pestilence	352	Dearth of Labour	359
Theme of the 'Decameron'	353	Yet improving Conditions	359
Symptoms and Effects	353	Changes inevitable	359
Labours of Franciscans	354	Feudalism dying hard	360
Insanitary Conditions	354	Grasping Lords of the Soil	360
Typhoid Fever: Flux: Leprosy	355	Statutes of Work and Wages	361
Medicine.—John of Gaddesden	356	Iron-bound Rules	362
Friar Roger Bacon	357	Failure, and Renewed Efforts	362
Attainments and Researches	357	But Inoperative	363
His Discoveries	358	Another Drastic Statute	364
Parallelisms with Lord Bacon	358	Later Futile Enactments	364
		An Industrial Revolution	365

Chapter XXIII.—The Protective Spirit and Sumptuary Laws. A.D. 1327–1363.

Borough Privileges	365	Trade Guilds	372
Villenage mitigated	366	Livery Companies	372
Free Peasantry	366	Paternal Government. — Officialism	372
Beggars and Vagabonds	367	Exploded and Inoperative Statutes	373
The Poor Law	368	Apparel and Diet regulated	373
Law of Settlement	368	Fairs and Markets	374
Later Enactments	369	Prohibitions and Restrictions	374
Wool Trade	369	Assize of Bread and Ale	375
Ordinances of the Staple	370	Forestalling and Regrating	375
The Staple Towns	370	Legislative Leading-strings	376
Exports in 1354	371		
Tunnage and Poundage	371		

CHAPTER XXIV.—RISING POWER OF PARLIAMENT. A.D. 1327–1377.

	PAGE
Royal Purveyance	376
Court Progresses	377
Enforced Labour	378
The Weary Official Round	379
Great Councils and Parliaments	379
Procedure consolidated	380
Two Houses—Convocation	380
Redress of Grievances	381
Royal Subterfuges	381
Control over the Exchequer	382
Statute Law.—Political Life	383
Power of the Commons	384
Judicial Proceedings in English	384
"Good Parliament" of 1376	385
Impeachments of Royal officers	385
Personal Responsibility	386
Germ of Appropriation Act	386
Speaker of the House	386
John of Gaunt	387
Partial Retrogression	387
Estimate of Edward III.	387
Liberties secured	388
Spirit of Reform and Freedom	389

CHAPTER XXV.—"THE MORNING STAR OF THE REFORMATION." A.D. 1377–1390.

Clerical Degeneracy	389
Universal Priestcraft	390
Enormous Wealth of Church	391
Comminations. — Church Courts	392
Vexatious and Ruinous Processes	393
Benefit of Clergy	393
The Neck-Verse	394
Perfunctory Duties.—Celibacy	394
Unavailing Protests	395
William of Occam	395
John Duns Scotus	395
Occam's Work and Influence	396
Relation to the Reformers	396
John de Wycliffe	397
A Master of Dialectics	398
Attacks the Friars	398
Their Corruptions	398
Contemporary Satires	399
Chaucer's Description	399
Sumpnour and Pardoner	400
Glaring Evils.—Ages of Faith	400
Exceptions to Degeneracy	401
Chaucer's Persoun. — Other Types	401
Pedantry of Schoolmen	401
Their Useless Dialectics	402
Richard of Bury, 'Philobiblon'	402
Scarcity of MSS.	402
Lost Classics	403
Papal Demand of Tribute	403
Wycliffe's Protest	403
"Dominion founded in Grace"	404
Royal Supremacy re-asserted	402
The Popes at Avignon	404
The Seventy Years' Captivity	404
First-fruits of Benefices	405
Sinecures and Absentees	405
Peter's Pence. — Papal Collectors	405
Wycliffe's 'Speculum'	405
National Wealth diverted	406
Spiritual Terrorism	406
Statutes of Provisors	406
King and Parliament supreme	407
Check on Episcopal Creations	407
Enforced by Præmunire	407
Appeals and Citations to Rome forbidden	407
Formidable Weapons	408

CHAPTER XXVI.—THE ENGLISH LANGUAGE. A.D. 1374–1399.

Concordat with Rome	408
Wycliffe at Bruges	408
His Offices in the Church	409
Development of Opinions	409
"Doctor Evangelicus"	409
Milton's Estimate	410
Cited before the Bishop	410
Political Side of Controversy	410

	PAGE
Worldly and Selfish Nobles	410
Used and abandoned him	411
Again cited and censured	412
Repression in Oxford	412
Papal Schism.—Rival Popes	412
End of Hildebrandism	412
Bearings on Reformation	413
Wycliffe on the Schism	413
His Poor Priests	413
His Controversial Writings	414
Influence in Bohemia	414
John Huss.—Jerome of Prague	415
Wycliffe's Spiritual Successors	415
His 'Wicket'	415
Attacks Papal Corruptions	415
And Mendicant Friars	416
His 'Trialogus'	416
On Transubstantiation	416
Central Point at issue	416
Translation of the Bible	417
Earlier Labourers	417
Numerous Copies	417
Attempted Suppression	418
Literary Value of Work	418
Relation to Tyndale's	419
Slow Formation of Language	419
Its Range and Flexibility	419
Legislative and Judicial Use	419
Testimony of Ranulph Higden	419
And of John of Trevisa	420
Geoffrey Chaucer	420
Earlier Writings	421
Influence of Italy	421
'Canterbury Tales'	422
John Gower	422
Death of Wycliffe	423
Condemned at Constance	423
His Remains burned	423
Origin of Lollards	424
An Influence, not a System	425
Profanity and Coarseness	425
Lollards and Social Reform	426
Precursors of Puritans	426
Complaints against Clergy	427
Attempts at Suppression	427
Decay of the Church	427

Chapter XXVII.—The Peasants' Rising, and Social Upheavals. A.D. 1377–1399.

	PAGE
Political Ferment	428
Religious and Social Elements	428
Work of Poor Priests	429
Bible in the Vernacular	429
Hopes and Aspirations	429
Vivid Realism.—Effects	430
Popular Ballads	430
Robin Hood and Legends	430
Early Socialism	431
Oppression and Suffering	431
Redress refused	432
State of Bondsmen	432
John Ball the Agitator	433
'Piers Ploughman's Vision'	433
Compared with Bunyan	434
Scope of the Work	434
Its Popularity	435
The 'Ploughman's Creed'	435
Exposure of Priests	435
Specific Grievances	436
Capitation Taxes	436
An Intolerable Burden	437
Difficult Collection	437
Popular Discontent	437
A General Rising	438
Kentish Independence	438
Wat Tiler	438
March upon London	439
Audience sought with Richard II.	439
Evil Advisers	439
Archbishop Sudbury murdered	439
A Panic.—The Demands	440
Conceded and Withdrawn	441
Vengeance taken	441
But Villenage doomed	443
Policy of Richard II.	444
Aims at Absolutism	444
Bolingbroke banished	445
Misrule and Conspiracy	445
Richard II. in Ireland	446
Bolingbroke's Return	446
Richard abdicates	447
Causes of the Revolution	447
Regal and Popular Claims	448
Constitutional Progress	448

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Where no place of publication is mentioned, London is understood.

Instead of grouping under subjects or periods, which is somewhat arbitrary and involves repetition, it is deemed more convenient to follow an alphabetical arrangement.

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A.D. 78–84. Agricola's Administration.
120. Emperor Hadrian's Visit.
211. Death of Emperor Severus at York.
410. Romans withdraw from Britain.
449. Saxons arrive in successive bands.
465. Settlement of South Saxons, or Sussex:
495. Of West Saxons (afterwards Wessex):
500–580. Of East Saxons, Bernicia, Deira, East Anglia, and Mercia.
597. Mission of St. Augustine.

600. Æthelberht's Saxon Laws.
617. Deira and Bernicia united as Northumbria.
640. East Saxons, or Essex, absorbed by Mercia.
664. Council of Whitby.
668–690. Theodore, Archbishop of Canterbury.
673–735. Bæda.
787. First Invasion by Northmen, or Danes.
796. Kent conquered by Mercia.
802–836. Ecgberht, King of Wessex.
825. Wessex absorbs Mercia; Sussex, 828: and Northumbria, 841.
860. Danes invade Northumbria; and East Anglia, 870.
871–891. Alfred the Great.—More Danish Incursions.
937. Æthalstan's Victory at Brunanburh.
961–988. Dunstan, Archbishop of Canterbury.
982. Danes burn London.—984. Danegeld levied.

1002. Massacre of Danes.—1010. Another inroad.
1017. Saxon Rule ended.—1017–1035. Cnut.
1035–9. Harold Harefoot.—1039–42. Harthacnut.
1042–66. Eadward the Confessor.
1066. Westminster Abbey finished.—Battles of Stamford Bridge (Sept. 25) and Hastings (Oct. 14).

1070. Church Settlements by Archbishop Lanfranc.
1079. Formation of New Forest.
1085. Domesday Book.
1086. Civil and Ecclesiastical Courts divided.
1093. Archbishop Anselm.—1096. First Crusade.
1097. The Tower and Westminster Hall built.
1098. Last Raid of Northmen.

1100. Henry I. and Charter of Liberties.
1138. Anarchy and Civil War.
1157. Scutage, or Shield-Money.
1164. Constitutions of Clarendon ; and the Assize, 1166.
1169. Invasion of Ireland —1170. Murder of Becket.
1176. Assize of Northampton.—Exchequer Court.
1185. Knights Templars in London.
1190–2. Crusade against Saladin.

1205. Anjou, Maine, etc., lost.
1215. Fourth Lateran Council.—Magna Charta ; Confirmation, 1216.
1224. Arrival of the Friars.—1257. Gold Coinage.
1258. First Parliament.—Provisions of Oxford.
1259. The Barons' War.
1264. Battles of Lewes (May 14), and Evesham (Aug. 4), 1265.
1277. Invasion of Wales.
1279. Statute of Mortmain.
1290. Expulsion of Jews.—Statute of *Quia Emptores*.
1293. Guienne lost.
1295. City and Borough Representatives in Parliament.
1296. Invasion of Scotland.—Clergy outlawed.

1302. States-General of France convened.
1306. Robert Bruce crowned.
1309. Lords Ordainers appointed.
1314. Battle of Bannockburn (June 14).
1323. Independence of Scotland acknowledged.
1331. Silk-weaving introduced.
1339. French Crown claimed.
1340. Battles of Sluys (June 24), and Crecy (Aug. 27), 1346.
1347. Calais taken.—1348. The Black Death.
1349. Order of Garter.—Statutes on Work and Wages.
1350. Origin of the Poor Law.
1351. Statute of Provisors.
1353. Præmunire.—Ordinances of the Staple.
1356. Battle of Poitiers (Sept. 19).
1359. Rising of the Jacquerie.—1360. Treaty of Bretigny.
1362. Judicial Proceedings in English.—' Piers Ploughman.'
1373. Chaucer's "Canterbury Tales."—French Possessions again lost.
1378. The Papal Schism : Rome and Avignon.
1380. Wycliffe's Translation of the Bible.
1381. Wat Tiler's Rising.—1389. Law of Settlement.
1393. Winchester School.—1399. Order of the Bath.

1401. Statute for Burning Heretics.—Persecution of Lollards.
1413. St. Andrews University.
1414. Claims on France revived.
1415. Battle of Agincourt (Oct. 25).
1417. Lord Cobham burned.
1430. Forty Shilling Freeholders.—1431. Joan of Arc burned.
1435. Graduated Income and Property Tax.
1439. Glasgow University.—1450. Cade's Insurrection.
1451. Normandy lost.—1453. Turks capture Constantinople.
1455–1485. Wars of Roses.
1477. William Caxton and the Art of Printing.
1485. Battle of Bosworth Field (Aug. 22).—Sweating Sickness.
1486. Court of Star Chamber established.
1487. Changes in Land Tenure.
1492. America discovered.
1495. Poynings Act for Ireland.
1497. Cape of Good Hope Route to India.
Cabot's North American Discoveries.

1508. League of Cambray.—1511. Holy League.
1513. Battle of Flodden (Sept. 7).
1514. Trinity Corporation.—Erasmus and Greek Testament.
1517. Luther denounces Indulgences.
1518. College of Physicians.
1520. Field of Cloth of Gold.
1521. Diet of Worms.
1525. Peasants' War in Germany.—Tyndale's New Testament.
1527. Capture and Sack of Rome.
1529. Fall of Wolsey.—1530. Diet of Augsburg.
1531. Royal Supremacy asserted.
1533. Appeals to Rome illegal.—Annates abolished.
Divorce of Henry VIII.—Cranmer Archbishop.
1534. Acts of Supremacy and Succession.
Revolt of the Geraldines in Ireland.
1535. Fisher and Moore beheaded.—Coverdale's Bible.
1536. Lesser Monasteries dissolved.—Pilgrimage of Grace.
Ten Articles of Religion.—Wales incorporated.
1539. Greater Monasteries surrendered.—Parish Registers.
The Great Bible.—Act of Six Articles.
1542. Battle of Solway Moss (Nov. 25).
1545. Council of Trent.—Chantries suppressed.
Wishart burned at St. Andrews.
1548. First Book of Common Prayer, and Uniformity Act.
1552. Second Act, and Prayer Book.
1553. Canon Law and Articles of Religion.
1554. Reconciliation Parliament.
1555–8. The Marian Martyrs.
1557. Calais lost.—First Scottish Covenant.
1559. Royal Supremacy restored.—Third Act of Uniformity.
1560. Geneva Bible.
1562. 'Gorboduc'; the First English Tragedy.—Thirty-nine Articles.
1567. Presbyterianism established in Scotland.

1568. The Bishop's Bible.—1570. Royal Exchange built.
1572. Massacre of St. Bartholomew's Day in France (Aug. 24).—Dutch Struggle for liberty.
1572. Compulsory Poor Relief.—1576. Martin Frobisher's Discoveries.
1577. Drake's Circumnavigation.
1581. Jesuits and Seminary Priests.
1583. High Commission Court.—1584. Colony of Virginia.
1587. Shakspere in London.—Mary, Queen of Scots, executed.
1588. Spanish Armada.—Martin Marprelate Tracts.
1589. Lee's Stocking-Frame.—1590. Spencer's 'Faërie Queene.'
1591. Dublin University.—1592. Bills of Mortality.
1593. Conventicle Act.—Hooker's 'Ecclesiastical Polity.'
1597. Parochial Overseers.—Bacon's 'Essays.'
1598. Edict of Nantes.—Rebellion in Ireland.

1600. East India Company.—1602. Basis of Poor Law.
1603. Union of English and Scottish Crowns.
Millenary Petition.—The Main and Bye Plots.
1604. Hampton Court Conference.—1605. Gunpowder Plot.
1609–16. Hudson's and Baffin's Explorations.
1610. Plantation of Ulster.
1611. Creation of Baronets.—Authorised Version of the Bible.
1614. John Napier invents Logarithms.
1618. Book of Sports.—Thirty Years' War in Germany.
1620. Pilgrim Fathers of New England.
1626. Ship-Money and Forced Loans.—1628. Petition of Right.
1628. Harvey demonstrates Circulation of the Blood.
1629. Puritans of Massachusetts.
Parliament dissolved for Eleven Years.
1632. Death of Sir John Eliot in the Tower.
1633. Milton's 'L'Allegro' and 'Il Penseroso.'
Connecticut settled; and Maryland, 1634.
1636. Episcopacy imposed on Scotland.
1637. Liturgy Riots in Edinburgh.—John Hampden's Case.
1638. National Covenant.—Chillingworth's 'Religion of Protestants.'
1640. Short Parliament.—Scots enter England.—Long Parliament.
1641. Triennial Act.—Strafford executed.
High Commission and Star Chamber Courts abolished.
Grand Remonstrance (Dec. 1).—Irish Protestant Massacre.
1642. Attempted Arrest of Five Members (Jan. 4).
Bishops removed from Parliament (Feb. 5).
Outbreak of Civil War (Aug. 22).—Battle of Edgehill (Oct. 26).
Sir Thomas Browne's 'Religio Medici.'
1643. Excise imposed.—Battle of Newbury (Sept. 20).
Episcopacy abolished (Nov. 5).
Committee for Scandalous Ministers.
Westminster Assembly of Divines.
Solemn League and Covenant.
1644. Milton's 'Areopagitica.'—Battle of Marston Moor (July 2).
1645. Battle of Naseby (June 14).—Self-denying Ordinance.
1646. Charles surrenders to the Scots (May 6).

1647. Who give him up to the English (Feb. 3).
Jeremy Taylor's 'Liberty of Prophesying.'
1648. Battle of Preston (Aug. 27).—Pride's Purge (Dec. 7).
1649. Execution of Charles I. (Jan. 29).
1649–60. The Commonwealth.
1650. Milton's 'Defence of the People of England.'
Battles of Dunbar (Sept. 3), and Worcester (Sept. 3), 1651.
1651. Hobbes's Leviathan.—Navigation Act.
1652. Madras Presidency.—War with Holland.
1653. Rump Parliament dispersed.—Baxter's 'Saint's Rest.'
Dutch Supremacy broken.—Cromwell Protector (Dec. 16).
1654. His First Parliament (Sept. 3).
1655. The Major-Generals.—Conquest of Jamaica.—The Triers.
1656. Second Parliament (Sept. 17).
1658. Cromwell's Death (Sept. 3).
1659. Rump Parliament restored (May 8).
1660. Convention Parliament (April 25).—Stuarts recalled (May 8)
1661. Savoy Conference (April).—Corporation Act.
1662. Revised Prayer Book.—Fourth Act of Uniformity.
Ejectment of Two Thousand Clergymen (Aug. 24).
Royal Society.—Bombay ceded by Portugal.
1664. Triennial Act repealed.—Second Conventicle Act.
Great Plague of London.—Butler's 'Hudibras.'
1665. Five-Mile Act.—Newton's Theory of Fluxions.
1666. Great Fire of London.
1667. Milton's 'Paradise Lost.'—Dutch in the Medway.
Triple Alliance (Jan. 23).—Hudson's Bay Territory.
1670. Cabal Ministry.—1673. Exchequer closed.—Test Act.
1677. Bunyan's 'Pilgrim's Progress.'—1678. Popish Plot.
1679. Habeas Corpus Act.—Scottish Covenanters.
1680. Trade begun with China.—Exclusion Bill.
1681. Dryden's 'Absalom and Achitophel.'
1682. Pennsylvania settled.
Municipal Charters annulled.
1683. Rye-House Plot.—Russell and Sydney beheaded.
1684. Australia partly coasted by Dampier.
1685. Battle of Sedgemoor (July 6).—Jeffrey's Bloody Circuit.
Revocation of Edict of Nantes (Oct. 22).
Spitalfields' Velvet-Weaving.
1686. The Dispensing Power.
1687. Declaration of Indulgence.—Newton's 'Principia.'
1688. The Seven Bishops.—Life Assurance begun.
William of Orange lands in Torbay (Nov. 5).
Palatinate devastated by Louis XIV.
1689. Toleration Act.—Siege of Derry.
The Nonjurors.—War with France.
1690. Battle of the Boyne (July 1).—Bill of Rights.
1692. Irish Penal Code.
1694. Bank of England established.
1697. Peace of Ryswick (Sept. 20).
1698. Savery and the Steam-Engine.—Calcutta acquired.
Society for Promoting Christian Knowledge.

1701. Propagation of the Gospel Society.
Act of Settlement.—War of Spanish Succession.
1704. Gibraltar taken (July 24).—Battle of Blenheim (Aug. 13).
1707. Act of Union with Scotland (May 1).
1709. 'The Tatler.'—1711. 'The Spectator.'—Stamp Act.
1711. Property Qualification Members of Parliament.
1713. Treaty of Utrecht (April 11), Newfoundland, New Brunswick, and Nova Scotia acquired.
1714. Schism Act.—1715. Jacobite Risings.—Riot Act.
1716. Septennial Parliaments.
1717. Triple Alliance: Great Britain, France, and Holland.
1718. Quadruple Alliance. Germany added.
1719. Trinitarian Controversy.
1720. South Sea Bubble.
1722. Inoculation for Small-Pox.
Wesleys and Whitfield, and the Methodist Movement.
1732. Walpole's Excise Project.
1739–1748. War with Spain.
1745. Battle of Fontenoy (May 11).—Second Jacobite Rising.
1746. Battle of Culloden (Apr. 16).
1748. Treaty of Aix-la-Chapelle (Apr. 1).
1751. Clive captures Arcot.—1752. Calendar reformed.
1756. Strutt's Stocking-Frame.
1757. Battle of Plassey (June 23).
1759. Quebec captured (Sept. 13).
1761. Bridgewater Canal.—1763. Wedgwood's Pottery.
1765. James Watt and the Steam-Engine.
1767–76. Hargreave's, Arkwright's, and Crompton's Spinning Inventions.
1768. American Colonies revolt.—Royal Academy Charter.
1769. Junius' Letters.—1770. Captain Cook's Voyages.
1774. First American Congress.—1775. Bunker's Hill Battle.
1776. American Declaration of Independence.
1777. Howard and Prison Reform.
1780. Sunday Schools established.
1782. Grattan's Irish Parliament.
1784. Board of Control for India.—Mail Coaches.
1788. Warren Hastings' Trial.—Sydney, New South Wales.
1789. French Revolution.
1790. Representative Government in Canada.
1793–1802. First Great War with France.
1796. Jenner and Vaccination.
1797. Battles of St. Vincent (Feb. 4), and Camperdown (Oct. 11).
Mutinies at the Nore and Spithead.
Trinidad acquired from Spain.
1798. Battle of Nile.—Irish Rebellion.—Income Tax.

1800. Conquest of the Karnátic, and Marhattá War.
1801. Union of Great Britain and Ireland.
1802. Treaty of Amiens (Mar. 27).—'Edinburgh Review.'
1803–15. Second French War.
1803. Battle of Assaye (Sept. 23).—Delhi, Agra, &c., annexed.

1803. Tasmania settled.—British Guiana acquired.
1805. British and Foreign School Society.
Battle of Trafalgar (Oct. 21).
1806. Death of Pitt and Fox.
1807. Slave Trade abolished.—Gas-lighting.
1812. Dispute with America.—Brewster's Dioptric Lighthouse.
1814. Restoration of Bourbons.—Cape Colony ceded.
1815. Battle of Waterloo (June 18).—Corn Laws.
Sir Humphry Davy's Safety-Lamp.
1819. The Six Acts.—Peterloo Massacre.
1821. Rise of Railroad System.—Gold Coast Colony.
1823. Mechanics' Institutes.—1824. Burmese War.
1827. Battle of Navarino (Oct. 20).
1828. Test and Corporation Acts repealed.
1829. Catholic Emancipation.—West Australia.—Police Force.
1830. Revolution in France.—Belgium independent.
Liverpool and Manchester Railway.
1831. Ecclesiastical Commission.—London Bridge built.
1832. Reform Bill.—Irish Church Temporalities Act.
Morse's Electric Telegraph.—Steel Pens.
1833. China Trade opened.—'Tracts for Times.'
1834. Poor Law Amendment.—Houses of Parliament burned.
Colonial Slavery abolished (Aug. 1).—Kaffir War.
South Australia.—National Education.
1835. Municipal Corporations Act.
1836. Registration of Births and Deaths.—Civil Marriages Act.
1837. Rebellion in Canada.—Tithe Commutation.
Accession of Queen Victoria (June 20).
1838. Chartist Movement.—Anti-Corn Law League.
Afghan War.—First Transatlantic Steamship.
1839. Daguerreotype.—Committee of Council for Education.
Canadian Revolt.—War with China.—Aden occupied.
1840. Penny Postage.—1841. New Zealand.
1842. Income Tax Reimposed.
1843. Scottish Church Disruption.—Natal and Scinde annexed.
1844. Bank Act.—Sikh War.
1845. Potato Disease.—Irish Famine.—Maynooth Grant.—General Enclosure Act.
1846. Corn Laws repealed.—Railway Mania.
1847. Anæsthetics.—Sewing Machines.—Factory Act.
1848. Gold in California.—Poor Law Board.—French Revolution.
1849. Navigation Laws repealed.—Cholera in London.
1850. Gold in Australia.— First Submarine Cable.
1851. Ecclesiastical Titles Bill.—Burmese War.
Window Duty abolished.—House Duty imposed.
Religious Worship Census.—Great Exhibition.
1852. French Empire revived by Napoleon III. (Dec. 2).
1853. Vienna Conference.—Canada Clergy Reserves.
1854. Crimean War.—Balaklava Charge (Oct. 25).—Battle of Inkermann.—Japan Commercial Treaty.
1855. Sebastopol captured.—Civil Service Commission.
1856. Aniline Dyes.—Bessemer Steel.—Oudh annexed.

1856. Livingstone's African Explorations.—Natal.
1857. Indian Mutiny.—Limited Liability System.
1858. Atlantic Cable.—Volunteers.—Jews in Parliament.
Government of India Bill.—British Columbia.
1859. Handel Festival.—War in Italy.—Queensland.
1860. Commercial Treaty with France.—'Essays and Reviews.'
1861. Paper Duties abolished.—Post Office Savings' Banks.
American Civil War.—Prince Consort's Death.
1862. Lancashire Cotton Famine.—International Exhibition.
1863 Ashanti War.—Metropolitan Railway.
1865. Cattle Plague.—Jamaica Negro Insurrection.
1866. 'Black Friday.'—Bank Act suspended.
War of Prussia and Italy with Austria.
1867. Derby-Disraeli Reform Bill.—Dominion of Canada.
Royal Commission on Ritualism.—Pan-Anglican Synod.
1868. Compulsory Church Rates abolished.—Fenian Raid in Canada.
Disraeli's First Ministry (Feb.).—Gladstone's (Dec.).
1869. Irish Church Disestablished.
1870. Franco-German War.—Irish Land Act.
Elementary Education.—Manitoba Province formed.
1871. Fisheries Commission, Washington.
Universities thrown open.—Army Purchase abolished.
1872. Geneva Arbitration.—Agricultural Labourers' Union.—Ballot Act passed.
1874. Disraeli's Second Ministry (Feb.).—Public Worship Regulation Act.—Ecumenical Council.—Fiji Islands ceded.
1875. Judicature Act.
1876. Bulgarian Atrocities.—Queen declared Empress of India.
1878. Berlin Conference.—Cyprus acquired.—Suez Canal Shares.
1879. Zulu War.—Transvaal annexed.
1880. Gladstone's Second Ministry (April).
1880–82. Afghan War.—Egypt occupied.
1881. Flogging abolished in Army and Navy.
1882. Bombardment of Alexandria.—Electric Lighting Act.—Murder of Lord Frederick Cavendish and Mr Burke.
1884. County Franchise enlarged.—Redistribution Bill.
1885. New Guinea acquired, and Upper Burmah.
Marquis of Salisbury's First Ministry (June 24).—General Election (Nov.).
1886. British Protectorate at Zanzibar.
Third Gladstone Ministry (Feb. to Aug).—Home Rule Bill defeated on Second Reading.—General Election (July).
Second Salisbury Ministry (Aug. 3).
1887. Jubilee of Queen Victoria.
1892. Death of Duke of Clarence and Avondale (Jan. 14).
General Election (July).—Fourth Gladstone Ministry (Aug. 18).
1893. Irish Home Rule Bill rejected by Lords.
Parish and District Councils.
1894. Rosebery Ministry (Feb.).
1895. Salisbury's Third Ministry (July).—General Election (July).

Period I.—INCEPTION.

To A.D. 1066.

Chapter.

1.—Myths, Legends, and Romances.
2.—The Romans in Britain.
3.—National Accretion and Formation.
4.—Saxon Laws and Usages.
5.—Rise of Ecclesiasticism.
6.—A Final Contest of Races.

CHAPTER I.

MYTHS, LEGENDS, AND ROMANCES.

HISTORY is the study of humanity; not in an ideal condition, but as it actually existed. Sometimes, it has been written so as to resemble an arid Sahara, or an endless range of catacombs, unpeopled by living men. At other times, it is a dull and petty record of the sayings and doings of princes and potentates; of warriors and statesmen; of titled brigands and legal schemers. Cowper says, in the Third Book of 'The Task,'—"Some write a narrative of wars, and feats of heroes little known, and call the rant a history." But the true historian has to deal not merely with the rise and fall of dynasties and families; with Court cabals and backstairs intrigues; with ceremonies of State and military parade; with diplomatic negotiations and squabbles for precedence, however interesting these details may be to what Carlyle terms the flunkey tribe, and to the professional warrior. Attention must not be concentrated upon the doings of kings and cabinets, of eager partisans and keen placemen, of rival politicians and scheming ecclesiastics, and of the clamorous crowd who strutted and fumed their little hour upon the stage. If a modern reader craves for such details, they are to be found in superabundance in works specially devoted to Court millinery and upholstery. In them may be seen copious records of royal imbecility, of palace scandals, of political huckstering, of factious strife, of official corruption, of battles and sieges, and of all the accidents and excrescences of former times. Their essentials must be sought elsewhere.

No heresy is more common than to regard the minute delineation of individual and family intrigues, important only in a factitious and transient sense, under such deluding words as royalties and dynasties, with all their ambition, blunders, foibles, and crimes, as constituting the vital essence of a nation's career. It is important to exhibit the Commonwealth, as distinct from what is called the State; the People, as distinct from the titular Monarch; and the National Life, as distinct from the trivial circumstances of the hour. The fallacy is both absurd and pernicious that represents the personal character and conduct of one man as irresistibly directing the course and fixing the destiny of a nation. Changes in its laws, religion, policy, usages, or opinions have been erroneously ascribed to the action or influence of an individual monarch, a politician, or an ecclesiastic. It is more accurate to say that they sprung from favouring circumstances and from remote and varied causes; often with little aid from rulers; and sometimes in spite of their antagonism. They were more likely to retard than to assist true development, if they perceived—which is very doubtful—its trend and force. The social life, the industrial growth, the expanding intelligence, the permanent welfare, and the collective character of a people, with adequate protection to their common rights and the reasonable enjoyment of liberties, are of higher import than the personal story of king or prince, legislator or prelate, administrator or general. Dr. Johnson said that he wished to have the history of manners and of common life well done. In his day, the only attempt of the kind was made by Dr. Robert Henry, whose plan, embracing several arbitrary and artificial divisions of subjects, and afterwards followed by the authors of the 'Pictorial History of England,' was carried out as well as such a method permitted, with the limited range of information then available.

Many of the monarchs who have nominally swayed the English sceptre are undeserving of the time and space usually bestowed upon them. They failed in the five famous things of which Bacon says all kings should have special care, if they would not have the crown to be but unhappy felicity. Weak, selfish, vulgar, and

time-serving; arbitrary, obstinate, and vindictive; given to self-seeking, ambition, and favouritism; capricious and false; prostituting their high office to ignoble ends; wasteful in war and corrupt in peace; often setting an odious example of folly, idleness, and vice, most of them are unworthy of the name of rulers. The kingcraft of the world, whether ancient or modern, is not deserving of much respect. Its glitter and blazonry, its pageants and ceremonies, its wearisome nothings and laborious frivolity, its hollow ambitions and sordid aims, are duly recorded with sounding vacuity by the Court Newsmen, who, regarding monarchy as a fetish, are dazzled by what Milton calls "the tedious pomp that waits on princes." Born kings of men, whether decked or not in coronation robes, always exercise a legitimate sway, and leave an impress on their age. Of the occupants of the English throne, certainly not more than ten, and perhaps not so many, possessed the truly regal character. Such, though varying in intellectual ability, in moral worth, and in commanding influence, were Ælfred, William I., Henry II., Edward I., Edward III., Henry VIII., Elizabeth, Oliver Cromwell, and William III.

Thucydides made it a proud boast on behalf of Attica, that while other lands were noted for their corn, their wine, or their oil, the celebrity of his native state was derived from its men. In like manner, England boasts of a long and illustrious line of true heroes, patriots, and benefactors. Bæda and Roger Bacon; Wycliffe and Chaucer; Cardinal Langton, Bishop Grosseteste, and Simon de Montfort; Wolsey and Sir Thomas More; Caxton, Tyndale, and Coverdale; Latimer and Cranmer; Bacon, Shakspere, and Spenser; Richard Hooker and Jeremy Taylor; Eliot and Pym; Cromwell and Milton; Bunyan and Marvell; Dryden, Pope, and Goldsmith; Sir Isaac Newton and James Watt; Wesley and Whitefield; the Pitts, Burke, and Fox, not to mention other or later names, form a catalogue of which the country may be proud. Of others, whose ignoble or contemptible words, and worse than contemptible deeds, have been so circumstantially recorded by the older Chroniclers, it is enough to say, in the language applied in Scripture to the unknown men in patriarchal times,—"and he died."

Oblivion is the kindest thing that could befall their poor dumb names. Many a venerable story, though narrated by successive copyists with a minuteness that pretends to accuracy, proves to be little else than a fiction when subjected to careful scrutiny. This will not be surprising when the difficulty is considered of arriving at the truth of modern and passing events, owing to careless observation, forgetfulness, partial knowledge, inaccurate description, ignorance of the right use of words, and conflicting testimony.

The field of inquiry is so large and fruitful that it is possible to cull abundant illustrations of how the England of to-day was formed. It is intended in the present work to bestow only a transient glance upon subordinate and incidental matters, while bringing into prominence those of a formative and permanent character. There have been marked epochs and grave crises in the national history, which have moulded the national life; but those epochs and crises were brought about by a long chain of events and influences. Constitutional changes have been gradually developed from remote and complex causes. Cataclysms and convulsions are as rare in the political world as in Nature, and they are to be explained, not by the immediate occasion, but by antecedent circumstances. Usually, the changes are slow, gradual, noiseless; just as Day fades away into Night, or as Spring is evolved out of Winter. There have been periods of arrest of growth, and seasons of partial decay. In the ceaseless flow of years, modifications and developments are effected in the national character and policy. Ideal perfection is rarely sought, or, if sought, is never attained. Even where a documentary Constitution exists, however faultless in its expression and lofty in its aims, the results are never greater or nobler than the administrators. The English way has been, not to depend upon verbal expressions set forth on paper or parchment, but to maintain a traditional spirit of freedom, and to apply general principles as circumstances arise. When a wrong or an injustice becomes unbearable, or when some evil needs to be redressed, public sentiment arouses itself, and a specific remedy is found. The constitutional liberties now enjoyed, and accepted by many as matters of course,

were not won without persistent effort, sufferings nobly borne, frequent rebuffs and reverses, and a resolute determination that victory should at length be achieved. It is still true, as Curran said, that "eternal vigilance is the price of liberty." The mercantile greatness, the social prosperity, the widening intelligence, the far-reaching philanthropy, and the moral influence which form the proud boast of modern England, with her vast Colonial and Indian possessions, are the products of seeds planted long ago. Civil and religious rights now valued as a priceless heritage, were secured after centuries of battle. Prolonged and toilsome struggles, occasional mistakes and crimes, dark and evil days, heroic courage, patient endurance, and faithful testimony have been witnessed; resulting in steady advance towards all that free men and women hold dear and sacred.

In narrating the history of the English people, it is necessary to glance at commerce and agriculture, manufactures and industry, domestic manners and customs, pastimes and sports, diseases and medicine, furniture and meals, literature, science, and the arts. The sources of information are diversified and endless. Chronicles and annals, ballad and song, statutes and public records, contemporary letters and journals, memoirs and autobiographies, satires and caricatures, the homily and the drama, inventories and assessments, lists of wages and prices, coins and medals, public events and personal anecdotes, so far as these are authenticated, are contributory to the task. By their aid can be seen, like a vivid panorama, the stately march of former generations, and the gradual construction of the map of England; that most wonderful of all palimpsests. We behold the wealth and misery of the passing age; its triumphs and its failures; its virtues and its crimes. We watch the rearing of massive edifices, the expansion of trade, the advance of civilization, the struggles for popular rights and liberties, and the ebb and flow of the national life. We hear the din of battle, the strife of debate, the barter of the market, the hum of the street, the threats of the tyrant, the moans of the oppressed, the shouts of the reveller, the rough jokes of the country fair, the

ballad of the minstrel, the lay of the troubadour, and the sermon of the cleric. Peer and peasant, gentle and simple, age and youth, the men of action and those of reflection, travellers in distant lands and navigators of unknown seas, patriots and philanthropists, the ambitious rich and the discontented poor, pass by in noiseless array. The merchant on 'Change, the tradesmen at his counter, the artisan at his task, the litigant in the Courts, the recluse in his cell, the teacher and his pupils, the toiler in the fields, the dweller in the town, reveal themselves in their varying moods; grave or gay; sanguine or depressed; successful or disappointed. As in a microcosm, we see in the England of former times a portraiture of the England of to-day; for this is a product of the Past.

An important contribution to constitutional history was made by the issue of the 'Rolls of Parliament,' from the reign of Edward I. to the first of Henry VII.; pursuant to an order of the House of Lords in 1767. The 'Parliamentary or Constitutional History of England,' originally published in 1752, was greatly expanded in subsequent editions. There are various collections of legislative debates and proceedings, but William Cobbett's 'Parliamentary History,' from 1066 to 1803, incorporates or supersedes the earlier works, and is continued under the well-known series of 'Hansard.' During this century, three important sources of historical information have been made available. The first comprises the works issued by the Record Commission; one of the most valuable being the Statutes of the Realm from the reign of Edward I., with a few of the principal enactments under Henry III. They furnish curious and authentic details of political and religious movements, of commerce and industry, of domestic and social usages, of the growth and consolidation of popular rights, of the gradual fusion of classes, and of relations with foreign countries. Many of these topics are also elucidated in the Journals of the House of Lords, dating from 1509, and in those of the Commons, from 1547; and also in the Rolls of Records, including those of the Chancery and the Exchequer, with the Fines Rolls, the Hundred, the Patent, the Liberate, and the Close Rolls,

extending back to the thirteenth century. Sir Francis Palgrave's edition of 'Calendars and Inventories of the Treasury of the Exchequer,' some of which were compiled as early as the fourteenth century, is interesting, as exhibiting the ancient modes in which records were preserved. Sir T. Duffus Hardy, in his Preface to the Close Rolls of King John, and Joseph Hunter, in his Preface to the Fines of Richard I. and John, also furnish many curious particulars. The second source of information is found in the series of 'Chronicles and Memorials of Great Britain and Ireland,' published by the authority of Parliament, under the direction of the Master of the Rolls; being careful reprints of the best works of the kind, from the most reliable copies, edited and annotated by competent scholars. The third series consists of the 'Calendars of State Papers,' entombed in the national repositories, often tied up in the original bundles, and never having seen the light since they were first put away by official hands long since crumbled to dust. These papers have been brought together and properly arranged in the new Record Office in Fetter Lane, London, from the scattered and unsuitable receptacles where they had lain mouldering for generations. Many documents of priceless value have also been brought to light in private collections. It was formerly the custom for Secretaries of State and other high functionaries to retain the papers connected with their respective offices. The Historical Manuscripts Commission is rendering public service by examining and reporting upon such collections.

The information supplied by these various documents, rescued from oblivion and decay, serves to correct, by enlarging or modifying, opinions and statements long current; to clear up doubtful and disputed points; and to throw incidental and collateral light on many subjects of interest alike to the student and the patriot. Thus far, three hundred and fifty volumes of the Rolls Series have been issued. They are by no means of equal value. Of the many thousands of documents calendared with such laborious care, it must be said that a large portion form a *hortus siccus* of uninteresting and useless details. Life is not long enough to search among so many bushels

of chaff for a few valuable grains of wheat. The bulk and the multitude of the Calendars would render them almost useless, but for their complete indices and the introductory historical matter; written, on the whole, with impartiality. The early annalists, and the older school of antiquaries discharged toilsome but important duties. Their plodding labours — beaver-like in their habitual industry — cannot be overlooked. The critical faculty and the power of generalisation had not been awakened in their day. The only thread of connection was the order of time; so that the events, as recorded, have no more relation to one another than so many beads on a string. They did not possess the discernment requisite to perceive the proportionate value of much that they reproduced, and subsequent investigators have to deal with a heterogeneous mass of matter that is largely useless. Accomplished and painstaking modern writers have made a special study of certain eras and epochs of constitutional history, representative government, and administrative methods, of the origin and growth of institutions, of the course of religious thought, of ecclesiastical changes, of the ample and ramifying streams of English literature, of social economics, of manufactures, industry and commerce, and of the biographies of distinguished men in relation to their times and to great events.

It is impossible to consider the history of one country apart from the general movements which affected other countries; sweeping over continents and hemispheres like a great tidal wave. Such, for example, were the Crusades and the Black Death; the discovery of America and the opening of the Orient to commerce; new methods of warfare; the Revival of Learning and the Art of Printing; the growth of the Middle and Trading Classes and the widening of Travel; developments of Science; the Reformation; the deadly struggle between Spain and England, between Spain and the Netherlands, and between France and England; the French Revolution, the rise of Democracy, and important Mechanical Inventions. Foreign authors like Thierry, Guizot, Taine, Michelet, Motley, Merle d'Aubigné, Lappenberg, Pauli, Schlegel, de Bonnechose, Buddensieg, Heeren,

Lechler, Loserth, Thiers, Ullmann, and Häusser have rendered signal service in this respect; entitling them to be esteemed far beyond the limits of mere nationality. Especial recognition is due to the modern school of German writers on systems of government and on the development of constitutional principles; like von Maurer, Waitz, Gneist, Bluntschli, Geffken, and von Ranke; although facts are sometimes made to bend to their preconceived theories.

As the present work is designed for popular reading, its pages are not burdened with footnotes giving the authorities. The utmost care has been taken to ensure correctness, to verify every statement, and to use all available information. The difficulty in these modern days of widening knowledge and of fresh researches and discoveries, of becoming acquainted with all that has been written on a given subject, can be realised only by those who have essayed the task. Ordinary readers have no conception of the prolonged and toilsome labour of examining authorities; verifying facts and dates; weighing conflicting evidence; forming an impartial judgment of men and events; tracing the course of public opinion, with its constant ebb and flow; exhibiting causes and effects in gradual changes; and preserving a just equipoise, so as to maintain historical sequence and continuity. It is hoped and believed that controversial matters are presented fairly, with due regard to the circumstances, and not claiming infallibility. Standard authorities are named, wherever needful; so that any branch of the subject may be pursued in detail. To these, and to the copious Bibliographical List, reference may be made, without risking Pope's censure of

> "The bookful blockhead, ignorantly read,
> With loads of learned lumber in his head."

Of the early history of the country now called Great Britain, not much is known. The oldest written accounts in existence describe persons who are said to have lived, and occurrences alleged to have taken place, hundreds of years before. Such statements must have been obtained from tradition, which swiftly melts away into

legend and myth. How far these tales are true, cannot now be determined. That some are visionary, and that others received additions from time to time, is certain. No story can be repeated by different persons, or even by the same person at various times, in precisely the same words. Hence the true and the false, the real and the fanciful, the historical and the legendary, become inextricably mixed and confused. There is a shadowy region where fables and romantic stories abound; many of them being obviously inaccurate, absurd, and impossible. The poetic license of bards is certain to invent details, and to supply breadth of colouring, so as to produce an effect. Oral tradition is modified or enlarged as it is transmitted from age to age. When the old monks who wrote their Chronicles eight hundred or a thousand years ago, speak of things which are supposed to have happened long before, caution must be exercised in deciding how far they are worthy of credence. They may not have intended to mislead, but nearly all of them were so enamoured of the strange, the marvellous, and the professedly miraculous, that they gave the reins to their imagination, and often wrote as if they had really witnessed the scenes described; like Hafen Slawkenbergius and his description of noses, in Sterne's 'Tristram Shandy.' Their circumstantial statements about people who lived in this island soon after the Flood, about events that are supposed to have transpired, and about long lines of nominal kings and potentates, must be set aside as mere inventions. These monks merely told what they had heard, or they copied from earlier writers; adding numerous points in order to expand and embellish the narrative. This traditionary period, extending over a millenium, is crowded with dreams and fancies. It is the home of romance and of marvels; alike absurd and incredible. (The remark of Horace concerning the many brave men who lived before Agamemnon, but who are whelmed in endless night, having found no sacred bard, is true of every country and of every age.) Hence it is not surprising that early events are engulphed in the black and silent waters of oblivion.

Words are fossil history; needing to be diligently

scrutinized, compared and classified. The materials for the first five centuries of the Christian era, properly styled the British Period, exist chiefly in transient allusions in Classical and Byzantine writers; in coins and monumental structures; in later records of oral traditions, largely untrustworthy; in the writings of Gildas and Nennius, who flourished in the end of the eighth and the beginning of the ninth centuries; and in mediæval Lives of the early Saints, which, however, are mainly apocryphal. In a literary sense, it is Barmecide's feast. For the later Saxon period, history becomes more reliable, though still partial and defective, judging from the few works that survive, like Bæda, Asser, and the Saxon Chronicle. There are many contemporary memoirs of eminent ecclesiastics and scholars, containing valuable scattered facts and incidents of a general character. A much larger number of formal and accurate records remain from Anglo-Norman times. After the three works already mentioned—Bæda, Asser, and the Saxon Chronicle — the most important, though not equally reliable, are those of William of Malmesbury, Henry of Huntingdon, Ordericus Vitalis, Simeon of Durham, Benedict of Peterborough, Roger of Hoveden, Walter of Coventry, Florence of Worcester, Roger of Wendover, Ralph de Diceto, Dean of St. Paul's, William of Newbury, Giraldus Cambrensis, and Matthew Paris. The last-named died about 1259. He and William of Malmesbury, in particular, deserve special mention; not only for their industry and impartiality, but for their judgment, and as being the earliest English writers to present what may be regarded, in a modified sense, as the beginnings of a philosophy of history. The others are valuable in their degree. A few are mere transcribers and adapters, or they superadded to what already existed particular statements respecting persons and incidents, that serve to throw light upon some obscure events. Specific reference will have to be made to a few of the more distinguished of these Chroniclers.

Of the monkish annalists generally, Milton says in his fragment of English history:—"Left only to obscure and blockish Chronicles, whom Malmesbury and Huntingdon, ambitious to adorn the history, make no scruple

ofttimes, I doubt, to interline with conjectures and surmises of their own; them rather than imitate, I shall choose to represent the truth naked, though as lean as a plain journal. Yet William of Malmesbury must be acknowledged, both for style and judgment, to be by far the best writer of them all." In its early forms, the monkish Chronicle was little more than a barren record of names, events, and dates. Sometimes, the writer restricted himself to the glorification of a saint or a martyr, or to a record of the particular religious fraternity to which he belonged, or to an account of the lives of its abbots, or to extolling the munificence of founders and benefactors. Many of the statements bear their own refutation, owing to their palpable absurdity. Later compilers inserted, from various sources, floating traditions of past events, like the Jewish 'Cabbala'; besides adding memorials of those which had occurred since the death of the original writers. Great difficulty exists in determining the authority of each, because of the freedom with which lengthy passages are incorporated from earlier authors; not infrequently with hypothetical additions or modifications. The value and authority of some of the Chronicles are seriously impaired by the disingenuous practice of omitting or toning down entries which seemed to later copyists to exhibit the character of favourite ecclesiastics in a dubious light, or to cast discredit on the Church of which they were zealous members. Sir Thomas Duffus Hardy has laid all subsequent writers under a debt of obligation by his colossal and exhaustive 'Descriptive Catalogue of Materials relating to the History of Great Britain and Ireland,' from the earliest times to A.D. 1327. It embraces all known sources of information; historical, biographical, and hagiographical; written or printed; and it remains as an enduring monument to the industry, patience, and judgment of the compiler. Nearly twenty-seven hundred separate works or editions are described.

What is called pre-historic archæology has not yet attained to the dignity of a science. Its professors and votaries, in the ordinary treatment of their favourite theme, display a remarkable absence of the inductive

faculty. Much has been written; but the statements are mainly conjectural and uncertain. As in the early days of geology, supposed facts are made to square with pre-conceived theories. There will, doubtless, in the process of time, be new discoveries, more careful analyses, adequate comparisons, and successful attempts to evolve general laws. But the existing state of knowledge is too partial and vague to sanction the arbitrary division which has been made into periods, somewhat corresponding to those of ancient mythology, and roughly defined as the Stone Age, the Bronze Age, and the Iron Age. Most of the arguments founded upon this nomenclature are purely hypothetical, and it is always unsafe, in matters of history, to indulge in sweeping generalization, apart from a wide collection of facts. It is certain, judging from what is known to have been the case in the eighth century, and even much later, that large portions of the country consisted of dense forests and of impassable swamps. Vast tracts of cultivated land and rich pasture in modern Lincolnshire and Cambridgeshire were meres and lagoons, and in the Midland Counties formed the greenwood. Wild animals roamed over the land; including species now extinct.

The etymology of the word "Britain" has been keenly disputed. All the definitions are more or less speculative. That there were people living here long before the period of which any certain information exists, is proved by the existence of various remains. All the mounds or barrows are not of British origin, as was formerly supposed. Some of them are, undoubtedly; but others are, as indisputably, Saxon. A few have been carefully examined, and in them have been found massive stones to form a chamber. In other places, diligent excavation has disinterred numerous flint and stone implements, like those continually being brought to light nearly all over the world. Bronze weapons and tools have also been found. Among them are axe-heads and chisels, of various forms; saws, punches, gouges, spear-heads, and sword-blades. They were cast in moulds; specimens of which have been discovered. Some of these relics were Roman. Their shape and make resemble those in Gaul and throughout Western and Northern Europe, where, as

in this country, they are commonly found on known Roman sites. It has been the custom to consider all articles of rude make, which evidently were not Roman, as belonging to a prior age. More careful researches, and a comparison of many specimens, show that, like the mounds or barrows, much of what used to be called British is really Saxon. In like manner, some of the alleged British camps or towns are more likely to have been enclosures of a later period. It is unsafe to dogmatize on matters of archæology, even in the nineteenth century, which has witnessed the fabrication of so much ancient literature, of so many paintings by the Old Masters, of so much antique furniture, and of innumerable stone and flint implements alleged to have been found in the remains of what is called the Drift Period. Souvenirs said to have been exhumed on the Field of Waterloo, and grotesque curiosities professedly brought from Japan, often have a common origin in Birmingham.

Parts of the country were known to the Greeks. Herodotus, the Father of History, who died B.C. 408, describes in a vague way the Cassiterides, or Tin-islands, in the remotest bounds of Europe. By these, he is conjectured to have meant Cornwall and the Scilly Isles. In a work ascribed to Aristotle, who died B.C. 322, mention is made of Albion and Ierne. Polybius, one hundred and fifty years before the Christian era, speaks of the method in which tin was prepared in the Britannic Isles. References are found also in such classical writers as Cicero, Lucretius, Catullus, Diodorus Siculus, Strabo, Virgil, Propertius, Horace, Ovid, Valerius Maximus, Seneca, Lucan, Josephus, Pliny, Tacitus, Quinctilian, Juvenal, Martial, Suetonius, Plutarch, Ptolemy, and many later authors after the second century. The ancient Phœnicians planted colonies from their early seat in Palestine along the coast of the Mediterranean. They had long traded to Britain for tin, but kept their knowledge a profound secret. Mixed with copper, tin became the well-known "bronze" of that age. "Brass," in the English Bible, was really bronze; as in 1 Kings vii. 14–45; where Hiram, King of Tyre, is described as assisting Solomon in preparing materials for the Temple at Jerusalem. After the decay of the Phœnicians, a similar

trade was carried on with Britain by the Carthaginians, the great rivals of the Romans.

Probably the first inhabitants were a branch of the great Aryan family known as the Celtæ. Portions of this tribe entered Europe at various times, and settled in different places; among others, in the countries now known as France and Spain. It was easy to pass over the narrow channel dividing Britain from the mainland. The Celtæ are spoken of by Aristotle and by Strabo as a bold and hardy race, fearing no dangers or foes, and savage in warfare. They were followed in their migrations at intervals by other tribes, who settled on different parts of the Southern and Eastern coasts. Chief among these were the Belgæ, from the North of Europe; a part of that great Teutonic or Gothic Tribe which swept down at various times, like mighty waves, and, at length, overcame the once-powerful but enervated Romans. These new-comers attacked and drove back the older settlers to the North and to the West; so that the country was occupied by two distinct races, divided into separate tribes or clans, of which many names have been preserved by Roman writers. In that portion of the island extending from what is now known as Kent, to the extreme West, or Cornwall, there were scattered tribes called the Cantii, the Regni, the Bibroci, and the Segontiaci. The large district lying between the Thames, the Severn, the Mersey, and the Humber—still using modern names—was scantily peopled by the Trinobantes, the Iceni, the Cassii, and other tribes. In what is now called Wales were the Silures, the Ordovices, and the Demetæ. In the Northern portion, from modern Lincolnshire to Cumberland, were the Volantii, the Brigantes, the Cornavii, and some smaller septs; while beyond them were twenty-one other groups whose names are recorded. Probably there were more, who escaped mention. Thus the country had been peopled here and there, at different periods, from several shoots of these great stocks, who had mostly settled along or near the sea-coast, or beside the rivers; but whose habits were nomadic and predatory.

The condition of the aborigines before their partial conquest by the Romans was like that of the septs or clans in Ireland and in the Highlands of Scotland at a

much later time. Each chief held sole rule over his own tribe. There were diversities of race and of language. No proof exists for a statement sometimes made, that these various tribes, or the Saxons subsequently, were in the habit of uniting under one leader or overlord. So far was this from being the case, that they were perpetually at war with one another. Their disunion was helpful to the Romans when they attempted a subjugation, and to the Saxons in their later incursions. It is needful to remember that only scattered portions of the country had been peopled by at least two distinct races, and in successive inroads at distant periods. The Southern inhabitants differed from those of the North, in dress, usages, speech, and the degree of civilization. The portion now known as Kent was more settled and cultivated; as its tribes maintained a connection with Gaul. Most of what is recorded of them comes from the writings of Julius Cæsar, Tacitus, Plutarch, Strabo, and Diodorus Siculus, but chiefly from Cæsar. Even his information is largely given at second-hand; and therefore is of little value. Some of the statements in his 'Commentaries,' regarding the civil war with Pompey, are chargeable with exaggeration, if not with misrepresentation. Those concerning Britain were, of necessity, to a large extent conjectural, or based on mere rumour, and often made to exalt his own prowess, by magnifying difficulties and by idealizing enemies. He appears to have remained in the country only for a month on his first visit, and for less than six months on the second. Nor is he known to have gone beyond what is now called Kent. He had not made himself master of a foot of the soil, nor did he leave any soldiers in possession, or erect a fort or other memorial of his visit. It was not in any sense a conquest. Tacitus declares that Cæsar did not subdue the island; but only showed it to the Romans. He suddenly landed with a force of two legions; made a few skirmishes; saw but little of the country or the people; and then as suddenly departed, to pursue at Rome the imperial designs which his temporary absence was intended both to disguise and promote.

The Britons are described as tall, strong, brave, and

hardy. The word "barbarians," as applied to them and to others, simply meant people who were not civilized and polished after the Roman ideal; just as the word is used in China at the present day with reference to all foreigners. It did not necessarily denote rough and course savages. Such could not have been the state of a people who resisted the greatest military power of the world so long, so skilfully, and with such success, and who reared the colossal stone monuments that still exist. They must have known something of mechanical laws. They were not all the mere woad-painted savages described in school-histories once popular and oracular. They had numerous articles for adornment; as finger-rings, metal collars, bracelets, beads, and earrings, in gold, silver and bronze. Many of these have been dug up in Wiltshire, Derbyshire, Leicestershire, Dorsetshire, Kent, and other parts, and are now preserved in the British Museum and in local repositories. The people were clever in basket-work, and knew the value of tin and lead; for which some districts of the country were famed. Possibly, they coined the money of which specimens exist. Some numismatists, however, are of opinion that they were produced in Gaul; being, for the most part, copies of Greek and Roman coins. From that country also it is supposed that bronze was obtained. No evidence exists that the Britons knew how to make it; although they possessed the natural ingredients. Their dwellings were constructed of timber or of reeds, and were placed on a rising ground or in a forest, surrounded by a stockade and a ditch. Some of the groups were large enough to deserve the name of towns, especially in the Southern parts of the island. Roads were made, in some fashion; for Cæsar speaks of the natives being skilled in horsemanship and in the driving of chariots; but such roads were far inferior to those afterwards constructed by the Romans, and were probably not much better than tracks. Their dress was slight; mostly formed of skins. In the case of the more barbarous tribes, the body was freely stained, or tattooed with the juice of woad—*Isatis tinctoria*—which imparted a blue tinge. They were swift runners, and clever in crossing rivers and marshes. They were armed with bronze swords, spears, and

javelins, and carried small round shields for defence. The youth were trained to arms, and found ample exercise in the feuds that perpetually arose among neighbouring septs.

The mass of the Celtic tribes in Gaul, and probably those in Britain, were serfs. The chiefs were subordinate to the Druids. Cæsar states that the Belgæ had no Druids, and that the whole province of Gaul was divided into two parties; some of the tribes supporting the Druids, and others opposing them. All classical writers agree that the Druidical system was the same in Gaul and in Britain. Cæsar's famous description is known to every school-boy. With the Druids are commonly associated the massive stones found near Salisbury and elsewhere in Wiltshire, Oxfordshire, Cornwall, North Wales, and other districts. Henry of Huntingdon, who flourished early in the twelfth century, gives a list of British wonders then existing; among which Stonehenge fills the second place. The name is a corruption of a Saxon word, meaning "the hanging stones." Various conjectures have been made as to the original purpose of these Titanic structures; miniature rivals of the pyramids of Cheops. They are supposed to have been temples, or courts of justice, or places of tribal assembly, or altars for sacrifice, or burial places. It is now generally admitted that the majority of such circles supported or enclosed sepulchral mounds. Some of them surround a "cromlech"; which is thought to be a Celtic word, denoting a stone table, used as a tomb. The cromlech is usually a rough chamber, enclosed on three sides by upright stone slabs, and covered with a fourth slab; all of them unhewn. Such is the remarkable one on the hill between Rochester and Maidstone, known as Kit's Cotty House, the top stone of which is estimated to weigh ten tons; or the much larger one at Chûm-Quoït, in Cornwall. Sometimes, as at Plas Newydd, in Anglesea, cromlechs are found side by side. Similar erections exist in Ireland, in the Channel Islands, and in Brittany.

The Druids were of three orders or classes:—Bards, who were poets and musicians; Vates, who were priests and physiologists; and the Druids proper, who were the

most clever and learned, and practised divination, magic, and astrology. The youths whom they taught had to keep silence, and to learn by heart the instructions given. Writing was forbidden; partly to strengthen the memory, but chiefly to prevent their esoteric doctrines being too widely known. The chief of these were the unity and eternity of God, and the immortality of the soul. With the latter was connected in a rudimentary form the Eastern doctrine of metempsychosis. It was believed that the soul passed at death into some other body, even into that of a beast or reptile, as a punishment for sin, or as a step in a process of purification. The Druids were also lawgivers and judges, and were greatly feared for their occult learning and mysterious endowments. The ancient faith could not be exterminated for several centuries. Even now, after two thousand years, relics of the system remain; for the Scottish usages of Hallowmass, so vividly depicted by Burns, the English bonfires of May-day and of Midsummer eve, and the procession of the boar's head at Christmas, with other strange notions, prejudices, and customs of country places, had, in all probability, a Druidical origin.

CHAPTER II.

THE ROMANS IN BRITAIN.

B.C. 55—A.D. 410.

After the transient visits of Julius Cæsar in August, 55 B.C. and in the following Spring, the Britons were left to themselves. Some of their chiefs appear to have visited Rome. Augustus Cæsar several times spoke of annexing the distant island, but he concluded that the empire ought not to be further extended, lest its power should be weakened. Numerous coins have been found, especially of Cunobelinus; the 'Cymbeline' of Shakspere. The country continued divided and unsettled, and in A.D. 43, a body of fifty thousand troops was sent under Aulus Plautius, by command of the Emperor Claudius, who himself subsequently arrived for sixteen days. On his return to

Rome, a triumph was decreed, a medal was struck, and he took the surname of Britannicus; as if he had achieved a mighty victory, instead of making a military parade of a fortnight. Aulus Plautius continued to assail the tribes on the North side of the Thames, where he had already won several battles. Vespasian, afterwards Emperor, undertook to subdue the tribes on the South. He is said to have fought thirty battles—some of which must have been mere skirmishes—and to have taken twenty fortified places; but no abiding advantages were secured. When he left, and when Aulus Plautius was recalled, after five years, the Britons at once resumed possession of the districts that had been so dearly won. The name of Caractacus, one of the principal chiefs, occurs in connection with these events. He led his people, the Silures, wisely and bravely, but was captured through the treachery of his step-mother, Cartismandua, Queen of the Brigantes, and was sent to Rome, where Claudius received him with kindness and restored him to liberty. Nothing is known of his after career, or whether he returned to Britain. During sixteen years the Romans were engaged in fitful conflicts with different tribes. Tacitus says that there was incessant fighting. Yet the Britons were not subdued. Caius Suetonius Paullinus, a skilful and renowned general, was sent by the Emperor Nero, and proved more successful; though not until after many hard contests. He marched to Mona, or Anglesea, and inflicted a fatal blow upon the power of the Druids—who had retreated to that island. An outbreak occurred among the Iceni, in what is now called Suffolk. This was caused by the harsh conduct of the Roman governor of that district. Tacitus admits that the distant provinces of the empire were often arbitrarily treated by the Procurators, who were anxious to secure great wealth for themselves, and he expressly states that much cruelty and oppression prevailed in Britain.

The seizure of the whole property and land of the chief of the Iceni, and the treatment of his widow, Boadicea, an Amazonian queen, led her to call upon the people to rise against the Romans. Their colony of Camulodunum (Colchester) was assailed and taken while

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Suetonius was in Anglesea, and much loss was inflicted. Londinium (London) and Verulamium (St. Alban's) were also captured, and such Romans as were found, with the German auxiliary troops and such of the natives as had submitted to the invaders, were destroyed; to the number, as is said, of seventy thousand. Little reliance, however, can be placed on such specific statements. They are mainly conjectural, and are nearly always exaggerated. Suetonius hastened back; collected his troops; and prepared for battle. The British assembled in great force, flushed with their recent success. A long and furious encounter took place. Hundreds were cut down or speared by the Romans, but hundreds more threw themselves upon the solid ranks. All was in vain. They were finally routed with great slaughter; Tacitus again stating, with a precision that is highly doubtful, that eighty thousand men, women, and children were slain. It is certain that the carnage was terrible. Boadicea would not endure the shame of capture, and of being displayed in a Roman triumph; but poisoned herself. Her country was overrun and plundered by fresh troops from Gaul; yet the Iceni were not subdued, though broken and scattered. Suetonius was recalled, as he was thought to have been too severe. After this, for fourteen years, down to A.D. 78, the Southern and Eastern parts of the island were ruled by five Proprætors in succession, who did not try to extend their power. Mutinies in the army, and contests among rivals for the imperial purple, weakened the Roman force, and gave no time for further conquests. Thus, after having been here continuously for thirty-five years, and one hundred and thirty-three after their first visit, the Romans had not really subdued one-half of Britain. The native tribes displayed a spirit which even Roman power could not vanquish; though some of them had been widely scattered and almost exterminated because they would not yield.

After Vespasian had become Emperor, he bethought him of the distant island where some of his early triumphs had been won. In A.D. 78 he sent Caius Julius Agricola to take the chief command. This general had already served under Suetonius, and knew the character

and habits of the people. His first act was to march a body of troops against the Ordovices; whom he subdued. He then recaptured Mona. Having thus shown his power and skill, he sought to win over other tribes by wise and gentle treatment. A court was opened for the redress of their grievances. He re-settled on just grounds the tribute to be paid. Robbery on the part of the lower officers was stopped. He made rules for the public granaries, which had before been used for private gain. By these means he won confidence and goodwill. He took the sons of eminent chiefs into his service, and gave them posts of honour. In the process of time it was found, as Agricola probably intended, that what military force could not do, might be accomplished by kindness or policy. His son-in-law, Tacitus, writes, — "The Britons willingly supply our armies with recruits, pay taxes without a murmur, and perform all the services of government with alacrity, provided they have no reason to complain of oppression. When injured, their resentment is quick, sudden, and impatient; they are conquered, but not spirit-broken; they may be reduced to obedience, not to slavery."

Agricola was thus employed for eight years. It was his practice to devote the summer months to warlike operations in the Northern part of the island, where the Caledonian tribes still held out. He went as far as the Grampian Hills, and fought a great battle, A.D. 84. He built a chain of forts from the Clyde to the Firth of Forth; although it is doubtful whether he constructed a wall, in the literal sense. He began four great military roads; sailed all round the island; and by his successful rule won great renown, which exposed him to the dislike of the Emperor Domitian; and he was recalled. The quietness that prevailed in Britain for more than twenty years is a proof of the wisdom and justness of Agricola's administration. The country is seldom named during that period by contemporary historians; showing that it gave little or no trouble. The prefects who followed were chiefly engaged in finishing the roads and other public works begun by him. Britain, like other provinces of the Empire that were under military occupation, was treated as part of a regular system for the collection of

taxes. Natives were excluded from posts of trust and authority, and were forbidden to carry arms. About this time, Ireland was first visited and partly subdued. The poet Juvenal, in one of his Satires—supposed to have been written in A.D. 96—speaks of it as one of the most recent conquests of Rome. He mentions British oysters as favourites at the tables of the rich, and the whales in the British seas as of great size. He adds that the learning and eloquence of Greece and Rome had been copied in Britain. Martial, another contemporary writer, also refers to the rapid progress of civilization in this country; but such statements must be accepted with reservations.

Fresh inroads of the Caledonian tribes, and some recent signs of disaffection in the South of Britain, led to a visit by the Emperor Hadrian, A.D. 120. No account of it exists; but various medals struck at the time refer to his having driven back the Northern invasion. He is commonly said to have made a rampart across the country, from Bowness on Solway Firth to the Tyne, at a place called Segedunum; the modern Wallsend. This rampart or wall has given rise to much antiquarian disputation. It is said by some to be the work of Severus; and by others to have been built at a much later period. It was a massive structure of masonry, from six to ten feet thick, and about eighteen feet in height. On the North it was protected by a fosse or ditch, thirty-six feet wide and fifteen feet deep; and on the South by a smaller ditch. At a distance of about every three miles was a military station, consisting of a citadel, strongly defended, enclosing streets and buildings. Between the stations were smaller fortresses, a mile apart; and at shorter intervals were towers for watchers. Along the course of the Roman Wall are found tablets inscribed with the names of the different bodies of troops who built certain portions; chiefly belonging to the Second, the Sixth, and the Twentieth Legions. As was the Roman custom, these were stationed for years in the same province. A bridge was constructed across the Tyne, called Pons Ælii, on the site of the present town of Newcastle.

Eighteen years later, Lollius Urbicus, the then governor, went farther North, and rebuilt Agricola's

lines or castles of defence, the remains of which are now known as Graham's Dyke; or, as it is sometimes erroneously styled, the Wall of Antoninus. The North of England and the Lowlands of Scotland, as it was termed at a much later period—for, until the eleventh century, the name Scotia was applied exclusively to Ireland, giving rise to much confusion and dispute among writers—were thus thickly covered with military forts. Most of the soldiers, like the others stationed in the South, were auxiliaries, drawn from different nations. In the 'Notitia Imperii,' compiled in the time of Theodosius, at the close of the Roman domination, a long list is given of troops who occupied military stations in this island; including Asiatic Samaritans, Moors, Greeks, Dalmatians, and tribes from Spain, Thrace, and Asia Minor. Such was the practice of the Romans; and it is certain, in like manner, that trained British troops were sent to fight in and to colonize distant places, such as Egypt, Armenia, Illyricum, Gaul, and Italy. In the end, this policy recoiled upon Rome, by destroying her own nationality.

During the prolonged struggles for the Imperial dignity, the troops stationed in Britain, like those elsewhere, took sides with the various claimants. Clodius Albinus, one of the prefects of Britain, a man of great talent, disputed the possession of the purple with Severus, but was slain in a great battle near Lyons, A.D. 197. When Severus had secured the supreme power, he divided the government of the island between two prefects, so as to lessen their influence. Virius Lupus, who ruled the Northern part, was much troubled by the fierce tribes who dwelt on both sides of the wall. Dion Cassius (b. A.D. 155), the historian of the period, describes them, but his somewhat circumstantial details must have been obtained from others. Aid was sought of the Emperor against these tribes. Severus came himself, A.D. 208, with a large army. He penetrated farther into the natural fastnesses than any Roman had done; overcoming every obstacle, and compelling the tribes of the Mæatæ and the Caledonii to sue for peace. His campaign is said to have cost him fifty thousand men; chiefly from fatigue and disease. Death overtook him three years

later, at Eburacum (York); then the second city in the island. After this, for more than seventy years, history is silent concerning Britain, until, in A.D. 286, Carausius, the admiral of a Roman fleet which had been sent to put down the pirate tribes of Franks and Saxons, revolted from the Emperors Diocletian and Maximian, and proclaimed himself Emperor of Gaul and Britain. For seven years he defied the power of Rome, and made the savage tribes of the North keep within their own limits. Many coins exist, bearing his effigy and name. He was assassinated at York, in 294, by his minister, Allectus, who retained power for three years; when Constantius Chlorus landed in Kent and defeated him. Allectus was slain in the battle, and the Imperial rule was restored. Constantius soon after shared with Galerius the supreme authority at Rome, and died in Britain in 306; being succeeded by his son, Constantine the Great.

During the next fifty years there were frequent attacks upon the Romans by the Picts and Scots of the North, and by Saxon sea-rovers. At length, in 367, the Emperor Valentinian, alarmed for the safety of the island, sent Theodosius to repel the invaders. He did this with great slaughter; drove them out of the country; and again established the Roman authority. But the power of Rome was fast declining. The days of the Empire were numbered. Fresh intrigues took place within, and fresh attacks were made from without. Province after province was lost. Rome itself was threatened by Alaric and his Goths. On the death of Theodosius, the Empire was again divided; and in 410 the remaining legions were withdrawn from Britain in order to defend the capital against the barbarous hordes from the North of Europe, who swept down in successive waves upon the fertile and wealthy plains of Italy. Four hundred and sixty-five years after the first landing of Julius Cæsar on the shores of Britain, and three hundred and sixty-seven years after the actual invasion in the time of Claudius, the Romans finally abandoned the country. It was no longer in the state in which they had found it. For upwards of three centuries it had been more or less the seat of Roman civilization and luxury. The troops were engaged, during the intervals of fighting, in building

large villas and towns, and in constructing bridges and other works. The face of the country underwent great changes. There must have been abiding effects in the districts around the numerous Roman settlements. Military roads of great length were planned so skilfully and made so thoroughly that portions of them are used to this day. Carlyle says that the roadmaking and the agriculture of the Romans are "their greatest work written on this planet."

The method of construction is explained by Vitruvius. Like all the public works of the Romans, the roads display solidity and finish; showing that labour for its own sake was a matter of discipline and of practice. The breadth varied from eight to twenty-four feet in the North; but was much wider in the South, on account of the greater traffic. Seven of these great roads led to the principal Roman towns in the island. They were connected with one another by a network of cross-roads that traversed the country in every direction. The main roads generally followed a direct line over hills, valleys, and rivers, and through forests and marshes. Milestones were regularly placed along them. One of these, preserved in the Museum at Leicester, was dug up in 1774, two miles to the North of that town. The Saxons afterwards adopted the roads and called them "streets." The one leading from the port of Richborough, through London to Chester, was called by them Wætlinga-strœt; meaning "the street or road of the sons of Wætla"; thus connecting it with one of their own legends. The name is still borne by a small portion near the Mansion House in the City of London. It was intersected in Warwickshire by the Fosseway, which ran from Totnes to the North-East. The road from Pevensey through London, Lincoln, York, and on to the South-East of Scotland, was afterwards called Eormen-strœt; or the street of Eormen, one of the Saxon gods. This became corrupted into Ermine-street. The great road which crossed the Island from Norfolk to Cornwall was named Icknield-strœt; and the one from the Tyne to the Severn was Ryknield-strœt. The origin of these names is doubtful.

York (Eburacum) was the capital of Roman Britain,

and because of its importance, was sometimes called *altera Roma*. Constantine was declared Emperor within its walls. It became the seat of the Northumbrian Kings, and an archiepiscopal See. Roman London was built on rising ground on both sides of a small stream, subsequently known as Walbrook, which ran into the Thames not far from the present Southwark Bridge. Numerous towns sprang up around the camps where the legionary troops were stationed, and a motley crowd of traders and camp-followers assembled. These were Colonies, in the strict sense of the word; and although a certain British element must have been added, they remained, for the most part, distinct. Too much stress must not be laid upon such occasional references, or to those relating to citizenship among subjugated peoples. At that time Rome had become a vast system of centralization. Local authority was restricted and trammelled. Citizenship meant only the obligation to pay taxes; not the right to make laws or to hold office. Taxes were levied with merciless rigour by those who farmed them; as is the case in Turkey now. The Roman rule was far from being mild and easy. Among the causes that led to its final overthrow were the enormous tribute exacted, the rapacity of the collectors, and the oppressions exercised in distant provinces by local administrators, who were under no effectual control, and ruled their helpless dependents with a rod of iron.

Upwards of one hundred and thirty towns in Britain are mentioned in the Itinerary of the Roman Empire which goes under the name of Antoninus Augustus, and is supposed to have been drawn up in 320. Many others have been traced in different parts; so that the country must have been studded with settlements. Among the principal, besides those already mentioned, were the following:—Uriconium (Wroxeter), Lindum (Lincoln), Danum (Doncaster), Calleva (Silchester), Corinium (Cirencester), Glevum (Gloucester), Ratæ (Leceister), Luguvallium (Carlisle), Camboricum (Cambridge), Deva (Chester), Salinæ (Droitwich, from its salt-springs), Durnovaria (Dorchester), Regnum (Chichester), Dubræ (Dover), Duroverum (Canterbury), Venta (Winchester), Sorbrodunum (Old Sarum), and Isca Dumnoniorum

(Exeter) Many of the towns were enclosed by walls. These were often of vast height, sometimes, as in existing remains at Rutupiæ (Richborough), as much as thirty feet; also of great thickness, as at Lymne, where they are fourteen feet; while others are not more than nine. The stones were hewn and fitted with much care, and such of the walls as remain, after the exposure of fifteen centuries, still look fresh and firm, where they have not been injured by the hands of man.

Every large town had a forum or court-house, public baths, and temples. At Uriconium, the baths cover a square of two hundred feet. Verulamium had a theatre of large extent. Almost every Roman station had its amphitheatre, where the passion for public shows and for the combats of gladiators might be gratified. Traces exist here and there of a stadium, or race-course. Such remains are interesting, because, probably, British workmen assisted in the original building. It is almost certain that wealthy native chiefs copied the Roman dwellings and domestic habits, as it is known that they copied dress and language. In addition to the towns, there were numerous country mansions, or villas; some of them of great extent. This was more especially the case in the Midland and Southern districts, where the ruins of many detached houses have been found, covering an extensive area; as at Woodchester and Cirencester, in Gloucestershire; at Kingdon and Somerton, in Somersetshire; at Hartlip, in Kent, and at Stonesfield and North Leigh, in Oxfordshire. Such villas belonged to Romans of rank and wealth, who sought retirement in the country, surrounded by a numerous household and by a crowd of slaves.

The masonry of all these Roman remains is uniformly good. Work was performed honestly; with materials calculated to endure. The age of shoddy, of veneer, and of jerry-building had not then dawned. The tiles and flat bricks vary from half an inch to two inches in thickness. Special care was taken with the mortar, so as to render it hard and durable. (It is more easy to break the stones of a Roman wall than the cement that binds them together.) Floors of houses were placed, not on the ground, but on a number of short hollow columns of

square tiles, to form the hypocaust, from a Greek word, signifying literally, "heat underneath"—for purposes of warming. In this way, heat was diffused through the buildings by hollow bricks or tiles. Care was taken to provide good drainage; and in some places, as in Lincoln, Roman sewers, constructed of excellent masonry, are still in good preservation. In every Roman villa, baths of various kinds were deemed essential to cleanliness and health. Tesselated floors were formed of small cubes of stone, terra cotta, and glass, of different colours, arranged so as to form a design. A number of these have been found in London and elsewhere, when excavating for foundations or for sewers, buried far beneath the present surface; their brightness undimmed by their long interment. The inner walls of houses were covered with a thick coating of plaster or stucco, which hardened into a firm mass. It was made quite smooth, and then received a thin surface of fine cement. On this, while moist, designs were painted, and the whole became so solid and durable that the broken fragments among such ruins look still fresh and clear.

Roman towns and villages were not used by the Saxons. They did not want them, and would have been at a loss to know what to do with them. Where it suited their purpose to save the old work, or to remove portions of the materials for other structures, they did so. Otherwise, they left the old sites to decay. Desolation marched with giant strides, and neglect caused the buildings to fall into ruin. Earth and vegetation gradually covered them, and in the lapse of years they disappeared. Some of them present traces of having been plundered and injured ages ago; and others are charred by fire. Occasionally, the materials were used long afterwards for the construction of other buildings; as in the case of the great Abbey of St. Alban's, now the Cathedral of a diocese. The main part of this edifice was reared in the eleventh century; Roman tiles being chiefly employed and covered with plaster. William of Malmesbury, writing in the twelfth century, refers to the stately Roman ruins in his day. The description of Caerleon, in Wales, by Giraldus Cambrensis, also in the twelfth century, long after much damage and waste had been

inflicted, is applicable to many other towns in Britain:—"It was elegantly built by the Romans, with brick walls. Many vestiges of its ancient splendour yet remain, and stately palaces, which, with gilt tiles, displayed the Roman grandeur. It was first built by the Roman nobility, and adorned with sumptuous edifices, with a lofty tower, curious hot baths, temples now in ruins, and theatres encompassed with stately walls, in part yet standing. The walls are three miles in circumference, and within these, as well as without, subterranean buildings are frequently met with, as aqueducts, vaults, and hypocausts." John Leland, who wrote in the time of Henry VIII., and was specially charged to make inquiries into the antiquities of the country, describes a number of Roman sculptures which had been used long before in building the town wall of Bath. This is one instance out of many which he gives as to the ruthless treatment of ancient monuments.

The chief products of Roman industry and skill have long since perished; but enough exist to show that manufactures were largely carried on. Thousands of articles in porcelain and earthenware, in bronze and leather, with fragments of glass and beads, are preserved in most public museums and in many private collections. On the banks of the Medway, the Upchurch marshes were the seat of an extensive pottery. Specimens of the ware made — known by the potters' marks — are found among Roman remains, not only all over England but also in France. Other potteries existed at Dymchurch in Kent, at Castor in Northamptonshire, and elsewhere. Potters' kilns have been brought to light. The vessels found vary in size, form, and finish. Some are highly decorated. Such articles were common at a time when earthenware vases, bowls, lamps, urns, and dishes were used for purposes now fulfilled by chests, boxes, baskets, bags, and caskets. Nor were the tricks of trade lacking. Spurious coins, and the stamps for quack medicines, chiefly for diseases of the eyes—then widely prevalent—are still disinterred; the former in such quantities as to warrant the suspicion that it was a common device with the agents of the imperial treasury. The medicine stamps were impressed upon the viscous prepa-

rations before they hardened. Locks exist, with ingenious contrivances similar to those fabricated and patented in recent times. Round pigs of copper have been found in Wales and in Cornwall; whence the Romans derived their chief supply. Traces of lead mines are numerous in the same districts; and pigs of lead, bearing the official stamps of the Roman miners, and the name and date of the reigning emperor, are of frequent occurrence.

Roach Smith—whose name can never be mentioned without profound respect and admiration for his diligent and careful researches—found in an ancient rubbish-pit, while deep excavations were being made for the Royal Exchange in London, the refuse of the shops of Roman shoemakers, weavers, and other handicraftsmen; but of most artisan trades there are but few remains. The same zealous antiquary brought to light the sign of a Roman goldsmith, at Old Malton, in Yorkshire, in the form of a large stone, bearing an inscription, and evidently part of the front wall of a house. Coal was used, when beds of it lay near the surface; and cinders have been found on the fire-places. Traces of iron-works are met with in Northumberland and Yorkshire, but the principal were in the wooded district of the Silures, now called the Forest of Dean; and also in the great forest of Anderida, forming the modern Wealds of Sussex and Kent. In various places in the former county, as at Maresfield, Sedlescombe, and Westfield, masses of ancient iron scoriæ, or slag, have been found; one of which was twenty feet deep. That these are Roman remains is proved by the number of coins and of fragments of pottery mixed with them. Charcoal was used for smelting the iron-ore; but a great portion of the metal remains in the slag, owing to the rudimentary and imperfect processes then used. With the destruction of the woods for fuel, the iron manufacture subsequently disappeared from that part of the South of England; though large quantities of ore still exist.

During the Roman occupation, both interment and cremation were practised with the dead. When the Emperor Severus died in Britain, his body was burned, and the ashes were placed with spices in an urn and

carried to Rome. Many such urns, of a hard, dark-coloured ware, have been dug up; sometimes enclosed in leaden cases, or in a kind of vault made of tiles. When the body was not burned it was buried in a chest or coffin of wood, clay, stone, or lead. Liquid lime was poured in, and this, when carefully removed, still shows traces of the form of the body and even of the texture and colour of the dress. Roman sepulchral monuments consisted usually of a slab of stone; often containing an effigy of the deceased, and bearing some such inscription as the following, on a soldier, who died at Cirencester:—"Rufus Sita, a horseman of the Sixth Cohort of Thracians, aged forty, served twenty-two years. His heirs, in accordance with his will, have caused this monument to be erected. He is laid here." This is one of the many mortuary inscriptions that confirm the statements in the 'Notitia' as to the foreign soldiers, from almost every clime, who were found among the Roman legions. Very seldom is there any direct reference to death. Knowledge of the future was so slight and vague, that the Romans seem to have shrunk from naming it. A general belief prevailed that articles burnt or buried with the deceased would add to his comfort in the world of shades. The dead were therefore clothed in full dress, wearing their jewellery and other ornaments, and furnished with wine, provisions, cooking utensils, and articles for the toilet. This explains why so many of these things are found in Roman tombs. They contain glass vessels of exquisite shape, and sometimes of iridiscent hues; coins, beads, buttons, and the relics of articles of attire; with an endless variety of objects in daily use. Fibulæ, or brooches made of bronze, of silver, and of gold, are found in large numbers; with bracelets, necklets, armlets, earrings, and finger-rings. Bone or bronze pins were used by ladies to fasten their hair. Leather sandals, plain or richly ornamented, hand-mirrors of polished metal, and combs of boxwood or bone; tweezers, scissors, bone needles, clasp knives, spoons; locks and keys; hand-bells, lamps, and images of the household gods; styles, for writing upon wax tablets; steelyards and weights, buckles, coins, and miscellaneous articles have been brought to light of late years

from Roman houses and tombs in various parts of Britain.

The Romans seldom interfered with the religion of conquered nations. Their severity towards the Druids sprung solely from political reasons; just as the early Christians were persecuted because of the social tendencies of their doctrines, which struck at the root of the system of Imperial Rome. Wherever the Romans extended their conquests and established colonies, they carried with them their own forms of religion. In Britain, temples were erected to Jupiter, Apollo, Diana, Venus, Minerva, and other deities. Among the various Roman altars and votive slabs that have been found, one, dedicated to Jupiter, was discovered at Tynemouth, and is now in the museum of the Society of Antiquaries of London. Another, found at Ribchester, is preserved in St. John's College, Cambridge. The Roman mythology and worship were largely introduced, and the population must have been recruited mainly, so far as there was a material increase, from the Pagan tribes of Germany and of Northern Europe.

The social condition of Roman Britain is interesting as marking one stage of the national childhood. In Thomas Wright's work, 'The Celt, the Roman, and the Saxon,' will be found the best collection for popular use of such details as can be regarded as ascertained and settled; although some of his inferences are fairly open to criticism. Roman customs must have been long preserved; and manufactures and useful arts carried on by them were imitated by the Britons. The language, so far as it can be traced, was scarcely modified. There is no warrant for supposing that the use of Latin extended beyond the official and ruling class. Many of the mercenaries settled here at various times. A large and important trade was carried on with Europe, in salt, corn, fish, and metals. Agriculture was extensively practised. Under Julian, in 358, eight hundred vessels were employed in the corn trade between the English coasts and Roman colonies on the Rhine. The beech-tree, the fir, the chestnut, the cherry, and more than half our forest and garden trees, are of Roman origin; with the vine, the fig, peas, cabbages, radishes, parsley,

and other vegetable produce. The labour of tillage was, doubtless, left to the natives and to the crowds of foreign settlers; for the Romans mostly cultivated the manufacturing and ornamental arts, when not absorbed in the pursuit of foreign war and conquest. Without insisting too strongly upon the abiding effects of Roman colonisation, it is not improbable, in the absence of direct and conclusive testimony, that a character was impressed and an influence exercised upon later generations, in matters of police and markets, in the tenure of land, in the distinctions of classes, and in the supremacy of law.

CHAPTER III.

NATIONAL ACCRETION AND FORMATION.

A.D. 410–901.

After the final departure of the Imperial troops a number of petty chiefs maintained incessant rivalry and contests. Events described by the older Chroniclers as national were tribal or local; for it is clear that such distinctions had not ceased. Native traditions became corrupted in the strife of succeeding times. The people were disunited; and the country was exposed to attack from a stronger and more warlike race. Yet enough is known to show that a spirit of sturdy independence survived. Another century had to elapse ere the Britons, with such Continental settlers as remained after the retirement of the Romans, were subdued by the Saxons. Even then, it became an amalgamation of the two peoples. The common assertion, that the whole of the Celtic population—the number of which is not known, but is probably much exaggerated — was driven into the Welsh mountain fastnesses, where it was not exterminated, has no warrant in history. Nor is there proof that the Welsh of the present day are descended from the ancient inhabitants of that country. They are probably derived from a later Celtic colony. The absorption must be sought among the Irish and

Scots; for both forms of the Gaelic language may be regarded as representing the speech of the Early Britons. It is absurd to suppose that they were all slaughtered or banished by a few skiff-loads of Saxon invaders, who settled chiefly along the Eastern and South-Eastern coasts. They did not at once break up and sweep away existing conditions. Gradually they made conquests; but they were absorbed by the inhabitants, as was the case with later arrivals; adding new features of character and some fresh elements of rule and custom.

The old Roman towns seem to have retained their independence for a time. The tribes in the Northern part of the island were much troubled for nearly forty years by the attacks of fierce bands from the other side of the Roman Wall and from Ireland. These are loosely spoken of as the Picts and Scots. By the former, the Chroniclers, doubtless, meant the Caledonii and the Mæatæ; for these names do not again occur. The Scots, as they were then called, whose colony in the Western Highlands was afterwards to impress that name upon North Britain, came from Ireland. They sprung from roving bands of Celtic adventurers who had peopled that country at different times. The account already given of the early inhabitants of Britain applies, in the main, to the scattered tribes of Ireland and of what is now termed Scotland. Even so late as the eleventh century the Picts and Scots were not blended into one nation.

The Roman power was crumbling to decay. Europe was one vast plunder-field, over which bands of Northern freebooters and pirates roamed: "the multitude which the populous North poured from her frozen loins." Some of them had made descents upon this island and had settled on its Eastern side during the Roman occupation. Others came subsequently, in increasing numbers. Dismissing the Gargantuan tales and fables invented at a later time, and magnified by many tongued Rumour, one thing seems to be highly probable, if not absolutely certain. A British chieftain named Vortigern, in the South-Eastern district, wishful to protect himself against incursions, and to secure supremacy over his neighbours, called to his aid, about the middle of the

fifth century, some of the roving predatory hordes that infested the narrow seas. They came from the Baltic and from Northern Germany, under the legendary leadership of Hengest and Horsa. Gildas, who wrote about the middle of the sixth century, calls them "whelps from the lair of the barbarian lioness." Always ready to fight, and eager for plunder, they readily consented, and then, loth to go back, they received or extorted from Vortigern—who thus exchanged King Log for King Stork—the Isle of Thanet as a residence; that part of Kent being then divided from the mainland by a narrow arm of the sea. Their dominion was speedily extended over a much wider area. Nowhere could recruits be more easily drawn from Northern Europe, and few parts of Britain then offered richer booty to the spoiler. Other bands of these sea-rovers effected a lodgment elsewhere along the coasts, or made inroads up the rivers; just as the Danes did four centuries later. The people who had already settled on the Eastern shores were known as Angles, or English; whence the district was called Anglia. The position of the respective settlers was marked by the terms Northfolk and Southfolk; the origin of the names of the two modern counties. They are described by the early writers as Saxons, and were really branches of a common stock; though, besides the Angles, there were Jutes and Frisians. Each tribe was distinct and complete in itself.

The origin of the Saxons has been a subject of much dispute. They were probably a part of that second great Northern wave of population which spread over Europe about 600 B.C., and consisted of Scythian, German, and Gothic tribes. From this great stock sprang the Angles, the Saxons, the Jutes, the Lowland Scots, the Normans, Danes, Norwegians, Swedes, Dutch, Belgians, Lombards, Franks, and Germans of after times. The people thus variously designated as Saxons were rough, bold, and enterprising; partly agricultural, partly nomadic, and wholly warlike. Fierce and masterful, their rude energy did not waste itself in words, but found scope in daring action. They acquired by long practice in the inexorable school of necessity the power

to subdue Nature to their will; as in shutting out the ocean by gigantic dykes; thus anticipating in a rudimentary form the engineering works of the Dutch a thousand years later. The vices of those times were commonly indulged in by them, on a magnified scale; including drunkenness, gluttony, greed, rapine, cruelty, and a love of war. Their supposed reverence for women has been highly extolled, but much exaggerated. Their domestic life, so far as it existed in roving tribes, was reputable for that period. They possessed, in common with the Teutonic races, certain rough customs, scarcely worthy to be regarded as codes of laws; a gradation in rank, springing out of successful leadership and daring adventure; a traditional literature of sagas and war-songs, of a Bacchanalian, militant, predatory type; and, above all, a consuming passion for liberty.

As was the case with most of these tribes, they were always ready to fight, and were prepared to shed their own blood as freely as that of their enemies. Each Saxon warrior had his spear, sword, dagger, and ponderous battle-axe; while, for defence, his left arm bore a target of tough wood, covered with hide or leather. Instead of the axe, a massive club, headed with iron, was sometimes used; typified by the mighty hammer of their god, Thor. Wielded by strong arms, it must have been a deadly weapon. Military chieftainship was the real character of the rule of their titular kings. The word is used in a vague sense by subsequent writers. The connection was merely personal. They were the leaders of such as chose to follow, but in no sense were they lords of the soil, nor was their rule obeyed longer than it could be enforced by personal prowess and by force of character. Tribal ties were loose and frail; but the blood bond was sacred. A bold leader attracted to himself adventurous spirits, eager for any fray that would yield excitement and plunder. The expeditions were separate and independent; occurring at uncertain intervals; extending to distant lands and across unknown seas; spread over a lengthened period; and ending in victory or death. What the Spartan mother said to her son on presenting him with a shield, "Either this, or upon this," was applicable to them. During three centuries of remorse-

less conflict with the Romans, these Northern tribes had steadily advanced; a part of the great Scandinavian Exodus of that age, which was to produce such important results.

Neither Gildas nor Bæda is a safe guide through this dark and mazy period. Babel-like confusion prevails. Amidst the idle chatter and expanding repetitions of later writers, much of the real history is irrecoverably lost. Nor is it possible to disentangle the facts relating to King Arthur from the preposterous fictions with which monkish Chronicles and Mediæval romances have overlaid his history. So hopeless is the task, that many erroneously regard him as a myth, and his Court as visionary. But he lived at the time of the Saxon inroads, and is supposed to have died in 542, at Glastonbury, from wounds received in battle. His story is the result of slow accretions; to which Walter Mapes gave final form in the twelfth century. There were successive waves of invaders. Fresh bands settled in different parts of the country, after hard fighting. Their domain lay in scattered districts, stretching from the English Channel to the Firth of Forth along the Eastern coast, and as far West as the Severn. One of the largest bands was led by Ella, who landed in Sussex about the year 457. With great difficulty he slowly drove the earlier inhabitants into the dense forest. Not for eight years did he attempt to penetrate it in order to capture the fortified place known as Andredes-ceaster (Pevensey). The place was bravely defended, but the Saxons took it, and, in revenge, murdered all their captives.

Ella founded what is usually styled, with loose phraseology, the kingdom of the South Saxons; embracing, apparently, the modern counties of Sussex and Surrey. Another arrival of Saxons is recorded in 495, under the leadership of Cerdic, who founded what is also inadequately designated the Kingdom of the West Saxons. This embraced, roughly, what is now known as Berks, Hants, Wilts, Somerset, Dorset, Devon, and part of Cornwall. Before the end of the sixth century, separate bands had effected a landing at different spots North of the Thames. After prolonged resistance, and many battles, they established themselves, and their settle-

ments came to be known eventually as the Kingdoms of the East Saxons, of Bernicia, of Deira, of East Anglia, and of Mercia. The first included the present county of Essex, with Middlesex and part of Herts. Bernicia comprised the North-Eastern side of the island, from the Tyne to the Forth. Deira was that portion from the Tees to the Humber; and Mercia the Midland counties from the Severn to the Humber. East Anglia embraced the district now known as Norfolk, Suffolk, and Cambridge. For the sake of clearness, and in order to prevent tautology, the modern names of counties are used, although unknown at that time.

These settlements, or kingdoms as they were eventually termed, were not made without perpetual contests among themselves, or without long and brave resistance on the part of the Britons and of other tribes who had found a footing in the country. By the close of the sixth century, the so-called kingdom of the South Saxons was merged in that of Wessex. Eadward of Deira also united the nominal Kingdom of Bernicia with his own, in 617, under the title of Northumbria. In this, with Wessex and Mercia, the interest henceforth centres; for into these three powerful settlements all the others were gradually absorbed. In Northumbria, fourteen chiefs or titular kings ruled, in a loose sense, in rapid succession, within a century. Six were murdered by rivals, five were expelled, two became monks, and only one died a monarch; if, indeed, that appellation can be used with propriety at this early and inchoate stage. Thus the way was prepared for the absorption of Northumbria into Wessex, in 841. In the meantime there were frequent struggles and contests between Wessex and Mercia; and for a time it seemed likely that the latter would triumph. At length, in 802, Ecgberht became ruler of Wessex. His career was the most renowned and successful of any of the Saxon chiefs or kings before the time of Ælfred. Not that he was the first king over all England, as has been erroneously alleged, but that partly by conquest, and partly by skilful alliances, he succeeded in establishing in a somewhat vague fashion the supremacy of Wessex.

The other idea of a Heptarchy, or a supposed federa-

tion of seven distinct kingdoms under one over-lord, styled a Bretwalda, must also be dismissed as a figment of a later age. There is not a scintilla of evidence in its support. The English monarchy, properly so-called, did not begin to exist for nearly a century after the death of Ecgberht in 836. Yet there was a sort of union of the scattered bands whose ancestors had separately landed on various parts of the British coast, at periods ranging from two hundred and fifty to three hundred and seventy years before, and between whom there had been endless feuds, intrigues, wars, marriages, murders, and alliances. Into the details of these quarrels it is needless to enter. Concerning them Milton contemptuously says, in his fragment, the 'History of Britain,' "Such bickerings to recount, met often in these our writers, what more worth is it than to chronicle the wars of kites or crows, flocking and fighting in the air?" Saxon literature was almost unknown in Milton's day, and it remained unexplored for a lengthened period. From this point, however, the course of English history can be traced by landmarks which Time has spared.

Before the power of Wessex was established over its rivals, a new and grave trouble had arisen, in the attacks of the Danes, or Northmen. Their first descent upon Britain was in 787, and they continued to assail it for more than two centuries. The Chronicles abound in pitiful accounts of their cruelties and robberies, and of the bloody conflicts to which these led. The loss of life on both sides must have been immense; yet, as fast as one horde was repulsed or slain, others arrived, with a thirst for plunder that could not be quenched, and in numbers that seemed to be endless. They came from Jutland, from Sweden, from the countries and islands of the Baltic, as well as from the district specially named after the later bands of Danes. Their first attacks were similar to those which the Saxons had made. They swooped down in separate bands, landing where they could, on the sea-shore, in the estuaries, or along the rivers; robbing, slaying, ravishing, burning, and then vanishing with their plunder and captives. Not only Britain, but France, Spain, and the coasts of the Mediterranean were visited by these marauders, so that

by the ninth century their name had become a sound of terror; as was that of Attila, the Scourge of God, to the Romans of the later Empire. Originally, the Northmen sprang from the same stock as the Saxons. It is noteworthy that the successive invasions of Britain by Saxons, Danes, and Normans, though spread over seven hundred years, were all made by branches of the same great Teutonic family. In the lapse of time, and under the stress of circumstances, the various offshoots presented marked differences in character, habits, and religion; while in physical appearance and in language they retained a resemblance.

The Northmen regarded the Saxons as recreants from the faith of their common ancestors, and for this reason took special delight in robbing and burning sacred buildings. The comparative wealth of Britain excited their cupidity, as that of Rome had attracted the German tribes, and as that of Spain impelled the adventurers of Elizabeth's times. "Truce-breakers" and "heathens" are the epithets continually applied by the Chroniclers, who regarded these sea-rovers with horror and detestation. Priests were slain; nuns violated; churches and monasteries burned; shrines rifled; holy vessels desecrated; rare manuscripts and choice carvings given to the flames. One title borne by them was that of Vikings, or sea-kings. Their sudden attacks, their fierceness, rapacity, and cruelty, made them the scourge and the terror of all lands. They were the incarnation of the ancient Moloch. Storms did not deter them. They were strangers to fear. Their women and children were trained to respect no one who did not return from these sallies laden with booty, and bringing a number of slaves. Their history, as sung by their Scalds or bards, consisted of wild tales of piracy, murder, pillage, and destruction. He who had robbed and slain the most was held in the highest honour. If taken captive, the sea-rover spurned life on any terms, because it would be unbearable with the remembrance of defeat. The shouts of the victor and the lamentations of the vanquished were the noblest pæans. Death in battle was coveted, and held in renown. The slain hero was believed to enter a region of eternal strife and

conquest in the Walhalla of Odin, or the Hall of the Slain.

These frequent inroads gave Ecgberht much anxiety, and taxed his skill and resources. In 832, the Danes landed in the Isle of Sheppey, at the junction of the Thames and the Medway; part of the Kentish settlement which, absorbed into Mercia in 796, was, with Mercia, annexed to Wessex about thirty years afterwards. Having pillaged and murdered all within reach, they returned to their ships. The next year, they came in thirty-five vessels, and made a descent upon Charmouth, in Dorsetshire, where Ecgberht gave them battle. Both sides lost many men, and the invaders drew off, without their usual plunder. In 835, a large body landed in Cornwall, and thence made an attack on Devonshire. They were again met by Ecgberht, and defeated in a fierce battle at Hengsdown-hill, on the Cornish border. After this, they avoided set encounters for a time. But their ravages continued. The Southern and Eastern coasts were kept in a state of alarm, not knowing when these robbers might come as with the fell swoop of an eagle on its prey. During the next few years they arrived in swarms, and with greater boldness. They sailed up the Thames and the Medway, pillaging London, Rochester, Canterbury, and other towns. They were routed at Southampton, at Sandwich, and at Ockley, in Surrey; but gained the day at Portland, in a second battle at Charmouth, and in Lincolnshire. In 851, they took possession of the Isle of Thanet, and retained it all the Winter. Two attempts to eject them failed, with great loss to the Saxons. In the following Spring, another body came in three hundred and fifty vessels, and were driven back only after enormous slaughter and damage. Other districts in Northumbria, Mercia, and East Anglia were also invaded by these wandering, predatory bands, who succeeded in effecting a lodgment in various places.

Æthelwulf, who had succeeded his father, Ecgberht, in 836, waged until his death, in 858, an incessant warfare against his persistent foes; with only one brief interval of a year, when he made a pilgrimage to Rome. Prior

to this, in 833, he had sent his youngest son, Ælfred, thither, under the care of Swithin, or Swithun, Bishop of Winchester, the saint of the tradition about the fifteenth of July and forty days of rain. On this visit, Pope Leo IV. anointed the child as the future King of England. Between him and the throne, however, stood his three brothers, Æthelbald, Æthelberht, and Æthelred, who reigned two, six, and five years respectively. It was a stormy and a critical period, rendered so by the repeated attacks of the Danes. Sometimes they were resisted, and at other times were bribed to depart: but they continued to arrive in fresh bands, so that the country was in danger of being exhausted by their wanton damage and their insatiable greed. Ælfred became King in 871, at the age of twenty-two. His prospects were very gloomy. The Danes still held the Isle of Thanet. They had overrun the entire Eastern district from the Tweed to the Humber; fraternizing with the settlers there who were descended from the Angles. A colony of Danes existed at York. They had desolated the Midland counties, East Anglia, and Lincolnshire. They possessed fortified camps between the Thames and the Severn. In this way they held large portions of the country. Ælfred had to bend before the fury of the storm, but it is a part of his lasting renown that he did not despair, even in the darkest and most trying hours of his country's history. Just before his accession, he fought a battle at Ashdown, near Reading. The Danes were worsted. In a comparative degree, from the tremendous odds arrayed against him, it was a Thermopylæ. Five other contests took place in as many weeks, with varying results. He again fought at Wilton, but was defeated; so that he agreed to a truce for three years. Other bands remained in the various districts already mentioned, and he had no means of ejecting them.

In 875, a fresh body of Northmen arrived, under a renowned leader named Guthrum, with whom Ælfred, from dire necessity, made a truce on the usual terms. Guthrum swore on his own bracelets and on the relics of saints that he would retire from Wessex on receiving a stipulated money payment. The former part of the

oath was thought to be specially binding on these fierce Northmen, and, according to the simple piety of that day, Ælfred thought he would ensure the Divine protection if the holy relics were also used. But oaths and promises could no more bind such men than a giant can be bound with thread. Repeated conflicts and skirmishes took place, and by the beginning of 878 Ælfred was a fugitive. He escaped, with only a few followers, to the Isle of Athelney; a marshy region in the middle of what is now called Somersetshire, then a vast district of fens and woods, the resort of wild boars, wolves, deer, and other game. He remained in hiding for three months, until his adherents could assemble. Then his ill-fortune turned. Guthrum was utterly routed in battle. Another treaty was made, and hostages were given by the Danes. Henceforth there were practically two kings in the island. That large portion of the country between the Thames, the Lea, the Ouse up to Watling-street, and the ocean, was ceded to Guthrum, and was known as the Danelagh. The district can still be traced in the names of places ending with "by." In the four counties of Lincolnshire, Yorkshire, Westmoreland, and Cumberland, there are now nearly a thousand places bearing Danish or Norwegian names; while there are fewer than four hundred such names in the remaining parts of England.

After eight years of anxiety, fighting, and wanderings, Ælfred found himself free to enter upon a course of wise rule for his people. Guthrum, and thirty of his chiefs, in the gregarious and accommodating fashion of that day, consented to be baptized. He so far kept his latest compact, that the arrival of fresh bands of Northmen, with strong inducements to him to break the treaty, proved futile. After his death, the people of the Danelagh again opposed Ælfred; but for fifteen years, with one notable exception, he was tolerably free from foreign attack. He devoted himself to the tasks which will be immediately explained, after referring to his crowning struggle with his foes. In 893, a large party of them, under a leader named Hæsten, or Hasting, landed from two hundred and fifty ships on Romney Marsh. For four years they gave vast trouble. They were aided by the men of the Danelagh, who not only sent them

supplies and took charge of their booty but also sailed to the Southern and South-Western coasts, which they attacked and robbed. The fate of England trembled in the balance. Ælfred and his troops were perpetually marching, fighting, and besieging; mostly with success, but, at the same time, with much damage to the country. He was able to prevent fresh bands of Northmen arriving by sea, by means of ships built during the peace. They were larger, longer, and narrower than those of the Danes, and some had thirty oars to each side. These swift vessels either drove away the wandering galleys of freebooters, or boldly attacked, boarded, and sunk them. This was a revolution in naval warfare. It anticipated the modern theory, by which such conflict is regarded mainly as a question of momentum and impact. At the close of his reign, the fleet exceeded in number one hundred ships; mostly small, as continued to be the case for six hundred years. But it was, in a vague and fitful sense, the beginning of England's power as Mistress of the Seas; although many and severe struggles, prolonged during centuries, had to be waged ere her supremacy became real and was acknowledged.

Ælfred reigned only four years after the close of this last war, but he was able to complete the great work he had begun. The marvel is that amidst such harassing military concerns, such ceaseless distractions and anxieties, and such a long struggle for national existence, a broad and safe basis should have been laid for the England of future ages. It is also wonderful that out of such unpromising materials, and working as he did to a large extent alone, this patriot King should have succeeded in accomplishing so much; especially as he suffered from continual ill-health. His friend Asser, a monk of St. David's, and afterwards Bishop of Sherborne, wrote his biography, which is also the story of the national life of that time. Asser's work contains numerous interesting particulars of the character and career of the King. It has been discredited by some modern critics, but, on the whole, it may be regarded as true and faithful. After making allowance for the hero-worship of his friend and Chronicler, it is apparent that Ælfred possessed exceptional capacities for administration. He is one of the few English

monarchs whose career mark an epoch. His sagacity perceived that the pirates must be met and resisted on their own element. He carried out a plan that had been slowly maturing, and changed the character of the rude, imperfect, and transient military service. Hitherto, the period had been restricted to a few weeks, and the raw levies melted away like snow before the sun. At the best, they were no match for the discipline of the fighting men from the North of Europe, to whom war was a trade and robbery an incentive.

Ælfred also gave form and fixedness to the new order of "thanes," which, prior to the Danish irruptions, had begun to take the place of the earlier leaders. Personal service with the King was rewarded by gifts of common land. Strictly speaking, it was not held subject to military aid. This was not fully developed until the later Norman times; but the germ of it is found here. As a territorial system, it was incomplete. There was no supreme landowner in England. The land did not belong to the monarch, as was the case abroad. Originally, the Fyrd, or militia, was the only body of men available for public defence. The army was simply a gathering of people with such weapons as they could bring. Military service, in some sense, was incumbent on every individual; but the quality was low, and the period was restricted to the imminence of the danger. Under Ælfred's rule, the whole country was apportioned. Each district had to equip and sustain a man for every five hides, or about six hundred acres of land. The towns were similarly rated, according to their size. Freemen were still required to join the army when needed; but only one-half of them were called upon at one time, so that husbandry and industry might not be unduly interfered with. Not until Norman days was an effective national force organized; first by military tenure, and then by Scutage, or money payment in lieu of personal attendance. It is, however, incorrect to say that Ælfred divided the country into shires and hundreds. This statement is derived from the so-called Chronicle of Ingulphus, but has no authority.

The prosperity of his people was a matter of deep concern with Ælfred. He sought to diffuse knowledge

and to promote the useful arts. Learned and clever men were assisted and encouraged. He himself translated portions of Bæda's 'History,' and, possibly, several Latin books of devotion, into the language of the common people. In his 'Life' by Sir John Spelman, it is alleged, on the authority of Archbishop Parker, that he also translated the New Testament, and portions of the Psalms; but this is most improbable, and no evidence exists. In every way, however, the use of the vernacular was fostered. English prose then began the early stage of its vigorous life. A century before, Ælcuin wrote of England as the home of libraries and of learned men; but Ælfred had to deplore the havoc caused by the Danes, whose constant incursions checked the spread of knowledge. To remedy the mischief, and to restore the earlier condition of literature, he founded schools in connection with certain monasteries, and ordered that the children of freemen should learn reading and writing. Scholars were brought from France to aid in this work. He urged the clergy to attend to their duties, and not only to teach the people orally, but to set a good example. His own time was carefully apportioned, and all his public and private duties were faithfully discharged. Half his revenue was given to the poor, to schools, to churches, and to monasteries. He employed workers in gold and other metals, and encouraged useful inventions. Great attention was bestowed on architecture and on public works, on husbandry and shipbuilding, on the maintenance of order and the administration of the law.

The romantic attachment of his generation surrounded his memory with a halo partly heroic and partly of saintship; just as the Egyptians honoured Osiris for his wise and benignant rule, for his salutary laws, for his instructions in agriculture, and for his care of their morals. No surprise will be felt that the reverent and loving sentiment of after ages not only cherished these traditions concerning Ælfred, but added to and embellished them, when viewed through the dim mist of tradition. Modern eulogists, led astray by this, have ascribed to him purely imaginary exploits, and the origin of institutions of a much later date. His real fame does not rest on these, nor does its lustre need factitious splendour.

He died on October 28, 901. He was only fifty-four years of age; yet, measured by labour and by results, his was a long, worthy, and successful life. In his closing hours he wrote, — "So long as I have lived, I have striven to live worthily." He was never well; and was seldom free from racking pain, but he bore up bravely, and has gained for himself undying renown. His wise, energetic, patriotic rule, with a view to secure justice, peace, and good government, has endeared him to all generations. He is the prototype of the average modern Englishman; patient, resolute, practical; influenced by common-sense; inexorably attached to duty; maintaining order; not troubling about logical consistency, but doing the work and encountering the difficulties of the moment. By universal consent he has been styled Ælfred the Great, for the moral grandeur displayed through a life of bodily suffering and of public difficulty.

CHAPTER IV.

SAXON LAWS AND USAGES.

A.D. 600–1000.

Enough information has been handed down in Chronicles, Charters, wills, and illuminated manuscripts to furnish a picture of the domestic life of England. Horseflesh had been freely eaten, but pork became the favourite meat. Enormous quantities of this were consumed: for the diet consisted chiefly of animal food; and the Saxons had extraordinary carnivorous appetites. The swineherd was an important servant. He led the pigs into the vast forests and woods, where they fed upon the acorns, beech-nuts, and similar produce, to which the Saxon name of Mast was given. The rich ate also poultry, venison, and fish; especially eels, which abounded in the numerous rivers and ponds. Frequent mention is made of salmon, hake, pilchards, trout, lampreys, herrings, sturgeon, crabs, lobsters, sprats, and other fish that are still found on the English coasts and in the rivers.

Nor were the more delicate kinds of animal food lacking on wealthy tables. The narratives of the period speak of the noble hart, the wild boar, the peacock, the pigeon, and a variety of wild fowl caught with net, noose, birdlime, hawk, or trap. Oyster patties were known. Fowls were stuffed with bread and parsley. All food that required sweetening was treated with honey. The keeping of bees was universal. Excessive eating was accompanied by hard drinking; strong ale and mead being the usual beverages. The latter was a sweet exhilarating drink, made from honey, and was of an antiquity far older than the legendary stories. Both ale and mead were so freely consumed that intoxication became a daily habit. The modern custom of drinking in a loving cup at civic feasts is, doubtless, a survival of the usage of some companion standing up at Saxon drinking-bouts to guard against assassination the person pledging. Large knives and spoons were used for carving; but fingers were the common instruments of feeding. The rough and copious feasts of the chiefs were attended by wandering minstrels, or music was performed by some of the guests. The harp was the usual instrument. Many of the songs were mere improvisations, setting forth the renown of the host. "Great feasts" are sometimes spoken of; meaning thereby the enormous quantity of the provisions and drink. Then, and for centuries afterwards, outdoor work and sports, with frequent fighting, occupied the time not devoted to gross feeding and sleep. Common labourers of the present day are far better lodged than were these Saxon chiefs.

Dress consisted chiefly of coarse fabrics of wool or flax, roughly spun. Sheep were prized more for their fleece than for their flesh. A short mantle was worn over a kind of coat or tunic with sleeves, girded with a belt. The legs were protected by thick rolls of tanned skin. Women wore a long loose robe of linen or wool, with full sleeves, over a short tunic, and a hood or veil on the head. The garments of ladies of rank were adorned with broad borders, woven or embroidered. Both sexes delighted in bright colours, and seem to have been fonder of gay attire than of cleanliness. Persons of wealth wore

bracelets, brooches, and rings of gold: and ladies used pigments for the complexion. The hair was cherished to a great length. Yellow, or golden, was the prevailing shade. To pull the hair was a serious offence; and forcibly to cut or injure it was as criminal as cutting off the nose or putting out the eyes. That the later Saxons were not ignorant of the use of the precious metals, and had acquired some proficiency in the arts, appears from what is recorded by William of Poitiers, chaplain to William the Conqueror. He mentions numerous and costly articles taken back as spoil after the invasion. "More wealth has the Duke brought over from England than could be found in thrice the extent of Gaul." But the chief employment of the Saxons in the earlier times was war; and their chief pleasures were hunting, hawking, and feasting. Æthelstan exacted from the Welsh, among other articles of tribute, "as many dogs as he might choose, which, from their sagacious scent could discover the retreats and hiding-places of wild beasts; and birds trained to make prey of others in the air."

The above details relate principally to the early Saxons. By the time of Ælfred, many changes had taken place. He built for himself stone dwellings; and some of the chiefs imitated him; but most of the people lived in timber houses, or in huts of wicker-work plastered with clay and thatched with rushes. The art of brickmaking, which had been brought to such perfection by the Romans in all their colonies, was wholly lost; and remained so for centuries. Undoubted specimens of Saxon church architecture remain; such as the towers of Earl's Barton in Northamptonshire, of Barton-on-Humber, of Orrington and Bywell in Northumberland, of St. Benet's, Cambridge, and of Sompting, in Sussex, with the church of St. Laurence, Bradford-on-Avon, and portions of St. Alban's Abbey, of St. Peter's, Oxford, and others. But the Saxon town was mostly a collection of wooden houses, surrounded by arable land and common pasture, beyond which were boundless woods where droves of swine fattened; or vast meres and lagoons teeming with fish. The term "hus," or house, was applied to all dwellings, great and small.

The "heal," or hall, or common room of larger buildings, was hung with tapestry, made by the females, in cloth or silk; often richly embroidered. Such possessions are frequently mentioned in Saxon wills. Ladies and their maidens were skilled in needlework, which had long been and continued to be their chief occupation. The word "spinster," still applied to unmarried women, is derived from the domestic use of the distaff for spinning. There were no fire-places or chimneys in the houses. The fire was kindled on the ground, in the centre of the hall, and the smoke escaped through a hole in the roof; as was the practice in ordinary dwellings for centuries. Benches were used for seats. The table was a board on tressels. Wheaten bread was a luxury; barleycake or oatcake being common. The bed was a sack filled with straw, and laid upon a bench or board. The Chronicles say nothing of the domestic accommodation of the lower classes, but the members of the thanes' households lived in a primitive fashion, eating at the same board with their masters, though at the extreme end of the hall, and sleeping on the floor when the day's work was done. Field labourers and others must have passed a rude, rough, uncertain existence. But the working days were fewer, because of the recurrent Saints' days.

A gradual transition was made from the wild and wasteful life of the semi-barbarian, accustomed only to arms, and subsisting precariously upon the chase, without forethought or steady industry, to the peaceful and laborious occupation of the artisan. The successful establishment among the Teutonic invaders of England of the arts, and of employments which have added so much to the comfort of social life, is owing to the early ecclesiastics. They also improved the condition of field and garden labour. The cultivation of herbs, flowers, vegetables, and fruits, the weaving of nets for fishing, and improvements in sheep-rearing and in brewing, are due to the monastery. Bell-founding is specially monastic, and those cast in the Middle Ages have never been surpassed in quality of tone. Frequent notices occur of the state of the arts; chiefly, however, in reference to the construction and ornamentation of churches and

monasteries. Silk, cloth of gold, purple palls and other rich vestments, a tunic and bracelets of gold, glass manufactures from abroad, paintings of saints and illuminated books, string and wind musical instruments, carved stones for bases, columns, capitals, and epistyles of churches, testify to the condition of the mechanical and ornamental arts. One contemporary writer gives a minute and appreciative description of a copy of the Four Gospels, written in gold, on purple-coloured vellum, bound in gold, set with precious stones, and preserved in a golden chest. Specimens yet extant show that this branch of art had made great advances. The entire scope and tenor of later Saxon literature implies a tolerable degree of civilization; using the word in a modified sense.

The Teutonic races had an extensive knowledge of the use of simples. The names of many medicinal plants occur in manuscripts of the time. Hundreds of recipes are still in existence, many of which are neither wiser nor more foolish than the average amateur medical knowledge of the nineteenth century. "Wortcunning" was the phrase usually applied. The gods themselves were described as "charmsmiths." In the use of talismans, the Saxons were not singular. They are found among the nations of remote antiquity, and are scattered all over the world. Their use is by no means extinct in the present day, even in this country. Numerous works on folk-lore attest the universal belief in charms and omens in matters of disease, as well as in the commonest affairs of life. The mediæval Church, unable to extirpate superstitions, flung around them a garb of religion, and saintly names were used for the exorcising of supposed devils. They were believed to cause nightmare, witchcraft, sorcery, storms, drought, barrenness, and other calamities. Copious particulars are given in Cockayne's 'Leechdoms, Wort-cunning, and Star-craft of Early England'; in the Rolls Series of 'Chronicles and Memorials.'

The study of medicine as a profession, apart from its common domestic use, was exclusively confined to ecclesiastics; until forbidden by Pope Innocent II. in the twelfth century. Many curious particulars of medical

knowledge and practice are to be found in the legendary Lives of the Saints. Most of the stories are incredible, and are not worthy of serious notice. They were written, or invented, for a superstitious age; greedy for marvels, fables, and alleged miracles. Incidentally, they reveal some of the characteristics of the time. One of these is the curious way in which ancient votive offerings were perpetuated. Sometimes a wax taper was presented as large as the sick person, or a wax effigy of the patient, or of the part affected. Among the cases recorded, a woman, with gout in her hands, offers wax models and obtains a cure. A priest, in memory of recovery from sickness, presents a wax image of himself in alb and chasuble. A lady devotes her own beautiful tresses at a shrine. References constantly occur to the prevalence of the plague, and of what was called leprosy. The natural explanation is to be found in the lack of common sanitary precautions, and in the coarse salted meat that formed the staple food at meals in the winter. Fevers were treated by the heroic method, which continued to prevail within living memory. Leeches, bleeding, purging, and general depletion were freely used. Scanty knowledge exists of the medicines prescribed; but they were mostly of vegetable origin. Some kind of anæsthetics were employed in surgical operations; among which cutting for stone is mentioned, and also an incision for rupture. Tooth-ache was prevalent; and gave rise to endless quackery and the use of charms and amulets. Where these failed, the custom was to force out the tooth by means of a pointed piece of hard wood. A surgical instrument is described similar to the modern cupping-glass.

The days of the week were named after the principal deities; modified from the older planetary names of Greek and Roman mythology. These are still perpetuated; and for many centuries the tradition of Pagan observances remained, under such Christian festivals as Christmas, Easter, and the Eve of St. John. Many lingering superstitions are traceable to a Saxon origin, if, indeed, as has been already suggested, they do not belong to the Druidical period. Certain days were regarded as beneficent or maleficent, in accordance with

usages or beliefs that are lost in the dimness of Oriental antiquity. The names of the months were expressive of employments in the various seasons. The Jutes and the Angles of Northern Europe had their own war-songs, which they brought to their island-home. Chief among them was the heroic poem of Beowulf. They must be regarded as parts of an early national literature. To these must be added the rude chants in which they glorified their conquest of Britain. The verse is alliterative; as in the Norse and the oldest German poetry. The epic poems are remarkable for a superabundance of recurring epithets and bold metaphors; and for a certain declamatory pomp of style. Before the end of the ninth century, the national language was virtually fixed and settled in its Saxon form; which still remains the basis of the English tongue, with its exhaustless power of adaptation and absorption. Judged by the grammatical test, as Max Müller points out, it must be classed as a branch of the great Teutonic stem of the Aryan family of speech. It is usually divided, though somewhat arbitrarily, into four leading periods:—the Anglo-Saxon, A.D. 449–1066; Semi-Saxon, 1066–1250; Early English, 1250–1550; and the Modern English. It has been enriched and widened by many French, German, Spanish, Italian, Greek, Latin, and other words, for which the original stock had no equivalents. The process and the results are described in the twenty-sixth Chapter, when treating of Wycliffe and of Chaucer.

Every monastery had its Scriptorium, where patient, clever fingers transcribed and illuminated portions of Holy Scripture, Missals, Lives of Saints, copies of the classics, and Chronicles. One of the most illustrious men of the time was Bæda, or Bede (673–735), commonly styled the Venerable; whom Burke designates the Father of English Literature. His learning was extraordinary; considering the age in which he lived. His diligence in collecting both written and oral information was unwearied. A large portion of his "History of Northumbria" is founded on local and verbal materials, received from eye-witnesses, or from persons of knowledge and credibility; the names of his informants being

usually supplied. His treatises number forty in all, on a variety of subjects; including homilies, hymns, medicine, astronomy, prosody, chronology, and Biblical comments. His style is simple and clear. The value of his 'Ecclesiastical History,' his chief work, besides its contemporary authority, is enhanced by the judgment, fidelity, and candour of the author. Although containing many legends, traditions, and alleged miracles, it possesses much value and interest. He was born about 673, in the domain of the united monasteries of St. Peter and St. Paul at Wearmouth and Jarrow-on-Tyne. In his seventh year he was placed in the former of these houses, whence he removed to Jarrow, and remained there until death overtook him in 735, while engaged in translating St. John's Gospel into Saxon. This work, revered in after ages, was one of the first renderings into the English tongue of any portion of the Bible; fragments by Aidan, Bishop of Lindisfarne, who died about 651, and by Aldhelm, Bishop of Sherborne (656–709), being excepted. Unhappily, it has not come down to us. The story of how his last breath was spent in dictating the closing words, if familiar, is very pathetic. A common assertion that he translated the whole of the Scriptures rests upon no adequate authority. His calm and gentle spirit, the humanizing character of his pursuits, and the holiness of his life, are in marked contrast to the turbulence and coarseness of his age. To none is the beautiful language of Scripture more applicable,—"A light shining in a dark place." For a lengthened period of four centuries afterwards, no historian worthy of the name appears until the advent of William of Malmesbury.

Seven or eight years after the birth of Bæda, or about 680, the first Anglo-Saxon poet, Cædmon, passed away. Originally a cowherd, he became a monk of Whitby, and employed himself in composing poems on the Bible histories, and on miscellaneous religious subjects. Those yet extant are nearly equal in size to the half of 'Paradise Lost.' There is in the style an occasional similarity which has led to a conjecture that the sublime genius of Milton may have been influenced by the simple yet solemn greatness of Cædmon. His descrip-

tions of the Creation and of the under-world, half-sublime and half grotesque, are also crude anticipations of the finished and magnificent work of Dante. Bæda records Cædmon's life and work. The only known copy of his poems is the one found by Archbishop Ussher, when searching for manuscripts to enrich the library of Trinity College, Dublin. This was printed at Amsterdam, soon after 1650, and was possibly known to Milton; but the resemblances are slight, and it must be remembered that during the intervening period the subject of the Fall of Man had been treated in numerous Mystery and Miracle Plays, and in poems and dramas, in a style that was of necessity somewhat conventional. All that can be said is that Milton may have obtained from Cædmon an occasional phrase or suggestion, which he used just as he did the wealth of learning with which his own mind was enriched from the Greek, Roman, Italian, and English classics. There is a fitting poetic beauty and a tender strain of romance in the blind bard listening to and prolonging with a wider sweep the strains of the song, nearly a thousand years old, in which the first poet of his race had sung concerning Milton's own great theme. It is a touching coincidence that both of them gently passed away in sleep.

In the century that followed Cædmon's death, Cynewulf is supposed to have flourished. His 'Riddles,' the 'Christ,' 'Elene,' and other fragments, must have been written between 730 and 780; unless he is identified, which seems improbable, with an Abbot of Peterborough who died in 1018. There were also anonymous imitators; specimens of whose writings have been preserved. The Collegiate School of York, under Bæda's friend, Archbishop Egberht, flourished until the Danish irruption, and encouraged both Latin and English literature. Its fame was perpetuated and its influence was felt in Italy and Germany, under the patronage of Charlemagne, through Ælcuin, the literary child and successor of Bæda, who died on the Continent in 804. As Mr. Stopford Brooke says, in his 'Early English Literature,'—"It belongs to the glory of England to say that it was an English scholar of York who, exactly at the right time, bore off to the Continent the whole of

English learning, and out of it built a new world. Had Ælcuin remained in England; had learning been confined to our shores, it would have perished in a few years under the destroying flood of the Danish invasions. It lived and flourished, and brought forth a noble harvest in the new empire." At what period the Saxon Chronicle began to be written, or by whom it was originally compiled, cannot now be determined. It is evidently the work of several writers, for there are variorum manuscripts in existence, ending at diverse dates. It was certainly commenced after the time of Bæda; because there are copious quotations and condensations from his work. Asser, who seems to have written the 'Life of Ælfred,' in 895, used a copy of the Saxon Chronicle which came down to 887. It was subsequently continued by writers in different monasteries. One copy, now in the Bodleian Library, brings the annals down to 1154. Allowing for the large admixture of fable and legend in the early periods, it contains a history such as no other nation can produce, written in the vernacular, and comparable only to the historical books of the Bible for antiquity, extent, and general truthfulness.

Æthelberht of Kent (546–616), who ruled for fifty-six years, is chiefly known by a code of laws bearing his name. This code, using the word in an elastic sense, is evidently a compilation; but it is the primal root out of which grew many later English laws. Its chief feature was the setting up of a principle of fines as the punishment of all wrong-doing. The loss of an eye or of a leg was punished by the highest fine of fifty shillings. To be made lame was set at thirty shillings. For a wound that caused deafness, the mulct was twenty-five. To lame the shoulder, to cut off the thumb, to tear off the hair, or to fracture the skull, involved a fine of twenty shillings. For breaking the thigh, cutting off the ears, or injuring the teeth, twelve shillings. There was a gradual diminution of one shilling for each of the following,—cutting off the little finger, piercing the nose, and cutting off the forefinger. Six shillings were levied for cutting off the gold-finger, or for breaking the jaw-bone, or an arm. For many other injuries and

offences a money compensation could be claimed; the appraisement being graduated on a comprehensive scale. Ini, of Mercia (688–728), also framed a code, on the same principle. As mulcts were found insufficient to prevent crime, other modes of punishment were used, such as imprisonment, outlawry, banishment, slavery, whipping, branding, loss of limbs, mutilation of the nose, ears, or lips, plucking out the eyes, stoning, and hanging. Some of these reveal the barbarous spirit of the age; nor was there any material improvement for centuries. In addition, there was the process of trial called God's Dome, or, as it is usually known, the Ordeal. This trial was made by fire or by water. The latter mode was reserved for persons of low degree, and was carried out in two ways; by boiling water, out of which the accused had to take a stone without scalding himself; and by cold water, into which he was thrown. If he did not sink, he was deemed guilty. The trial by fire was applied to persons of rank. A consecrated bar of iron was heated, and had to be carried in the naked hand for a space of nine feet. The hand was then wrapped up and sealed. Three days later, it was examined. If no sore appeared, the accused was decreed to be innocent. Sometimes the method pursued was to walk blind-fold over nine red-hot ploughshares. Such customs were in use all over Europe. They may be traced back to the one provided under the Jewish Law, as set forth in the fifth chapter of the Book of Numbers; though without its Divine sanction and safeguards.

Another code of laws is known as 'Ælfred's Dom-boc.' Not that the frequent recurrence of such phrases as the Laws of Eadgar, of Æthelred, of Cnut, and other kings must be understood to mean that they had special claims to the character of lawgivers. The reference is to the recognised customs observed at the time. Down to the fourteenth century, the perpetual demand was for the old customs. Many modern reforms are only the restoration of ancient rights and methods. Ælfred's Dom-boc, therefore, and the various Codes above-mentioned, were a recital and a confirmation of what the people valued. Some writers on English constitutional history have been betrayed by accidental phrases and by exceptional cir

cumstances into the conclusion that there were an elaborate system of jurisprudence and a legislative assembly, long before Ælfred's time. The most that can be said with accuracy is that while there was the assertion of what would now be designated popular rights in the assemblies, force of personal character and the rule of the strong largely prevailed. There was not as yet any conscious and deliberate attempt to formulate a scheme. The principal chiefs, who, after conquering their weaker neighbours, developed into a rude kingship, consulted with their personal adherents. Then there came to be a rudimentary representation, which in process of time was extended as circumstances required. Even if, in early Teutonic assemblies, every freeman had a place and a voice, it is by no means clear that this was retained as tribes increased and territory grew. It may have been so in England in the local gatherings, such as are now represented, at least in theory, in parish council meetings. Whether it was so in the larger assemblies to be immediately referred to, such as the Hundred, the Shire, and the Witan, may be doubted.

Into Ælfred's Dom-boc were incorporated, not only the Decalogue, but also the chief provisions of the Mosaic laws contained in the three succeeding chapters of the Book of Exodus; with adaptations to local usages and manners. To these were added such of the laws of Ælfred's predecessors as seemed right to him and to his Council; but he explains that he refrained of set purpose from new legislation to any great extent. He was careful to see that the laws were fairly administered. He punished judges and sheriffs who acted unjustly. It has been erroneously supposed that he introduced the practice of trial by jury. The original body was known by the name of Compurgators. A man charged with crime might be cleared, if a certain number of known and reliable persons came forward to swear to his innocence. Hence they were witnesses to character; not triers. In no proper sense can their functions be regarded as containing the germ of the jury system. This was not developed until the days of the Plantagenets. If any one committed a crime, he had to be produced by the other inhabitants of the district, or they were fined. If he

fled to another district, he was seized as a stranger, and imprisoned or enslaved, unless some one became pledge for him. Just as every man's life had its legal value, according to his position and wealth, so was the value of his oath determined in courts of justice. A thane's equalled that of six ceorls. By the same scale was regulated the money atonement payable for injuries and wrongs. It was possible for a man to rise into a higher class by the acquisition of land. He could not count nobility of blood until the third generation. Immemorial custom easily acquired the force of law, and the frank-pledge system became universal. By a natural analogy, the usage was afterwards established, for the English noble to pledge himself for his dependants; including military tenants, retainers, and slaves. Without a patron of some kind "landless men" were regarded as vagabonds, whom any one might lawfully seize, or even slay, as suspected thieves and evil characters. The meaning was that if a man possessed land, the law had a certain hold upon him. Otherwise, he must be connected with some lord who would assume the responsibility for his acts.

Slavery largely prevailed, as it had done among ancient races; but it did not, at least by law, extend to life or limb. A servile condition was created by capture in war, by wrong-doing, by descent, by the non-payment of debt, by the sale of children, or by a voluntary submission through poverty. The bulk of the Saxon people were in no proper sense, and at no time, absolutely free. Those of the lower classes who were so in name, were virtually bound to the soil from which their subsistence was derived. The idea that any man of this order might go where he pleased, live as he chose, or even express his thoughts freely, would have been repugnant to the sentiment of the age. Even the possibility of a man, already free, rising in the social scale, was far more than counterbalanced by the perpetual tendency for him to sink into servitude, from the operation of some of the causes above enumerated. The Laws of Æthelred, in 1008, provided that Christian and innocent men were not to be sold out of the country; least of all to heathen purchasers. One of the last acts of Ælfred's life was to manumit his own

slaves. He also induced the Witan to limit the future period of service to six years in the case of a newly bought Christian slave. Similar prohibitions are constantly met with, before and subsequently; proving that while the evil was deplored, legislation could not devise an effectual remedy. The kidnapping of children and of poor free persons was not uncommon. Archbishop Theobald of Canterbury (d. 1161) deserves honourable mention for refusing Christian burial to the kidnapper, and for prohibiting parents from selling children above the age of seven. The city of Bristol seems at an early period to have earned the opprobrium attaching to it in connection with the slave-trade so late as Burke's time in the end of the eighteenth century; for it was, even in the Saxon era, the chief seat of this hateful traffic. But the silent humanising influence of Christianity gradually mitigated the rigours of servitude and bondage. On the estates of the Church, the slave had been raised to the middle condition of serfdom, and a reflex influence was brought to bear upon the condition of the whole class. In this way, slavery, in its ruder forms, began to disappear, under the teachings and influence of the Church. A distinct upward step was taken in the economic progress of the masses of the people towards ultimate freedom; though this was not fully secured until a long subsequent period, after Villenage, as described in the ninth and the twenty-third Chapters, had passed away.

The laws above-mentioned, and those compiled by or bearing the names of subsequent rulers, were made, as Asser is careful to say many times, "with the counsel and consent of the Witenagemôt." This word denoted, literally, "the meeting of the knowing or wise men." It was the Great Council among the Saxons, whose opinion and advice guided the leader. It was not even an inchoate House of Lords; still less a Parliament after the modern idea of a representative assembly. There is no trace of elected members, or of delegates from towns and cities, or of an hereditary nobility. Each of the tribes or kingdoms had its own Witan, composed of the chief ecclesiastics, the thanes or ealdormen, and some of the principal owners of land; being personal retainers of the chief or monarch. Such bodies sprung out of the needs

of earlier times, when the chiefs assembled the wisest of their followers for conference. This custom slowly concreted into a right. Mr. E. A. Freeman and Bishop Stubbs agree in their views as to the powers of the Witan, but differ materially as to its constitution. The former regards it as the assembly of the whole kingdom, after the type of the smaller gatherings of the subordinate divisions. The latter fully admits the popular character of the smaller assemblies, but denies that this was the case with the national gathering. It is certain, however, that the powers of the Witan were great and far-reaching. When kingship was set up, it was in the sense of a limited monarchy. The royal title had to be confirmed by this body, which sometimes set aside the direct line of succession. Cases also occurred of the deposition of unworthy monarchs. Ælfred himself became King to the exclusion of his elder brother's children. Disputes were settled at these gatherings between powerful thanes and prelates. Popular grievances of all kinds, especially denials or perversions of justice, were dealt with. Consent was needful to the making of new laws and treaties, to the granting of charters and the transfer of lands, to the declaration of war, to the levying of taxes, and to the general regulation of affairs, both civil and ecclesiastical. The Witan became the supreme court of justice. Meetings were held twice in the year, at the great festivals of Easter and Christmas. London, Gloucester, Winchester, and other cities were the usual places of assembly. The arrangement continued, with slight modifications, until Norman times.

Next in importance to the Witan, was the Scire-Gemôt, or Shire-Moot; convened also twice a year. The "scir" was a part or share of the country; following the old tribal divisions. The lack of uniformity is explained by the gradual and irregular settlements. It was a territorial division; much smaller than the modern county. It comprised several Hundreds, varying greatly in number, and was presided over by an Ealdorman and a Gerefa. The Bishop also possessed large powers. The Ealdorman was a member of the Witan, and commanded the military force of the district. He was appointed by the King and the Witan. A son was often chosen to

succeed his father. The position was that of a Lord Lieutenant, but with more ample powers. The Gerefa or Sheriff, who represented and was appointed by the monarch, collected the fines levied by the Courts, and paid a fixed sum for the taxes; thus opening the way for much oppression and extortion. The Ealdorman was not restricted to one shire. Sometimes he ruled over several. He was the prototype of the Earl, derived from the Danish Jarl, and of the Comes, or Count of the Normans, under whom the more extended shire was called a county.

After the Scire-Gemôt came the Hundred-Court, which was held monthly. It is defined by Bishop Stubbs as "the union of a number of Townships for the purpose of judicial administration, peace, and defence." Various conjectural explanations have been given as to the origin of the Hundred; but nothing authentic is known. Next came the Tithings. Each of these was made up of ten families, who were mutually responsible for their good behaviour and peace: an essential idea of Saxon administration. Life and property were secured to a man, not by any central authority, but by the loyal union of his free fellow-citizens. Mutual honour and courage formed a system of police in each locality. The ancient office of Tithing-man continued until the end of the last century in New England, whither it had been transplanted at the time of the Puritan settlement in 1629. The functions are now discharged by the police-constable. A similar principle applied to the Hundred, which has long since acquired a geographical meaning, and still has a constable or bailiff. When any damage is done by rioters feloniously destroying property, the owner has a legal remedy against the Hundred. In other cases, the city or the town is liable.

In ancient times the Hundred-Court consisted of the lords of lands within the bounds, the priest, and four "best men" from each township, and it sent twelve representatives to the County-Court. Both criminal and civil cases were under its jurisdiction. Every suit must be there tried before proceeding to the higher courts, which had control over larger divisions; corresponding in later times to the Ridings of Yorkshire and Lincoln

shire, the Lathes of Kent, and the Rapes of Sussex. The township was the unit of local rule. In process of time it assumed the ecclesiastical name of parish. The modern vestry-meeting is the survival of the ancient usage. Wapentake is a term occurring in later records. It first appears in the laws of Eadgar, and is probably a relic of Danish occupation; being found only in the Eastern and Midland districts. The custom of Gavelkind, still prevailing in Kent and in some parts of Northumberland and of Wales, is the old British law of succession, which came to be mingled with Saxon law. Under it, all the sons inherited; but the youngest possessed the homestead. The eldest, or the one next following capable of bearing arms, had the heriot, or the offensive and defensive arms of the father, and his horse. The custom of Gavelkind was among the liberties which the people of Kent retained after the Norman invasion.

Land was held, partly by a common ownership, so far as regarded pasture and waste: partly, during and after Ælfred's time, by a kind of military service; but chiefly by individuals. The Folcland, or public domain, could not be alienated without leave of the Great Council. Bocland was so called from the book or charter which conveyed private estates. The price of the best land was "sixteen pennies" an acre, according to the laws of Æthelstan (A.D. 924–941). The price of a sheep was fixed at four pennies; of a sow at eight; of a cow at twenty; and of an ox at thirty. A pound of silver contained five thousand four hundred grains Troy weight, and was coined into two hundred and forty pennies. The "sceatta" is another coin often mentioned, and is thought to be equal to the fourth of a penny; but its precise value is undetermined. The Mark system was the origin of all land tenure amongst Teutonic nations. The Mark, or March, was the ancient parish or village community. It is a German geographical term, primarily signifying a country's limits, and used as a designation of the border districts of the empire. The governors intrusted with the charge of these were called Mark-Grafs; corresponding to the English and Scottish Wardens of the Marches. The

title of Marquis was originally bestowed in this sense as early as the reign of Henry III. It afterwards became honorary; no specific duty of command or protection being attached to it. The arable land of the Mark, belonging to the whole tribe, was allotted periodically to the owners of homesteads, to be held until the time came for it to lie fallow. As agriculture improved, this system became impossible. A man who farmed better than his neighbours was wronged by having no longer tenure than his idle or incompetent fellows. Some effects of the system may still be traced.

The township ("tun," an enclosure) consisted originally of a number of allodial proprietors, banded together by community of interests and by the position of their estates. The Township—which, in the United States, is still a territorial name, not a collection of houses—took the place of the Mark in England. Although it contained the germ of the Borough, it must be discriminated from the more modern Town. Under the Normans, it became the Manor. Strictly speaking, the Township was a developed and altered form of the ancient Mark; another trace of which is seen in the possession of common pasture and waste land by certain communities. In the absence of direct evidence, the most reasonable hypothesis is that the manorial system grew up in Britain as in Gaul and Germany; being the product of native and Roman customs mixing together during the periods of successive provincial rule and of German conquest. There may have been exceptional instances of settlements in tribal households, or even of free village communities. Yet it is almost certain that the "hams" and "tuns" or "tons" of early England were, practically, manors, with communities in serfdom upon them. Sir Henry Maine, in his 'Village Communities,' and Bishop Stubbs, still more minutely and carefully, in his 'Constitutional History,' have entered fully into the subject of the ancient Mark in its territorial and social bearings. The Borough ("burh," a fortified place) was originally a centre for defence and for trade; the former being necessary to the latter. Some English boroughs grew out of townships, as understood in their territorial meaning. Others sprang up under the shelter

of castles or monasteries, payment being made for protection. The chief magistrate was the town-reeve, or, in purely mercantile towns, the port-reeve. Gradually, exemption was obtained from the jurisdiction of the Hundred; but that of the Shire continued. Some compounded for the taxes, and possessed a local government free from the sheriff or the lords of the soil. The five Danish boroughs of Nottingham, Lincoln, Leicester, Stamford, and Derby had a separate organization and special privileges. Domesday Book specifies forty-one towns with customs of their own, and ten are mentioned as being fortified.

Before the Danish Conquest, London was an important city. It was not yet the capital; for other cities, like Winchester, Exeter, Norwich, and York had local pretensions that could not be set aside. Yet its geographical position made it a great centre for trade and for legislative gatherings. It retained the character which appertained to it since, and perhaps even before, the Roman occupancy. Ælfred erected there a citadel for defence. This gave place to the grim and massive Norman fortress, resembling Cyclopean masonry, which became the abode of kings, and, subsequently, the prison of many victims of Statecraft. Numerous ships from London sailed the Northern Seas and the Mediterranean; bringing thence for the enrichment of her merchants the choice and varied products of foreign climes. Its growth in wealth appears in the apportionment of ten thousand five hundred pounds of silver, as a contribution towards the tax of the Danegeld, in 1018, when the rest of the country paid only seventy-two thousand. Norwich held in East Anglia a position corresponding to that of Exeter in the West. On a commanding height a fortress had been raised; to be supplanted in after times by one of the stateliest of Norman castles. The cathedral had not yet been built. The seat of the diocese was at Elmham. Norwich was a great centre of trade, and it possessed a mint. Thirty miles away, Thetford, now a decayed, sleepy little town, almost rivalled its neighbour, and was afterwards the See of a bishop.

All these towns, and many others, have an origin so remote that it cannot be determined with accuracy.

Their prescriptive privileges are immemorial, and are part of the common heritage of the nation. Their customs, which slowly concreted into laws, were not capricious grants, any more than those of the ancient Shire or the Hundred. Long afterwards another class of towns arose, created by express grant from the King or from some powerful lord, or bishop, or abbot, as explained in the twenty-third Chapter. But the older cities had their franchises and usages, sanctioned and consecrated by long custom, stretching back until lost in a remote and unrecorded Past. As was the case with the ancient Greeks, who had their benefit clubs, with a common chest, to which every member contributed his share of the expenses, the Saxons had similar confederations, called Guilds; from "gyldan," to pay or contribute a share. These were applied to religious, trade, and benevolent purposes. The archaic phrase, Scot and Lot, is derived from two Saxon words, and refers to the payment of customary contributions according to ability, and to the discharge of the individual share of public duties. This is perpetuated in the quaint words of declaration on becoming a freeman of the City of London, in which the neophyte declares that "he will pay his scot and bear his lot."

CHAPTER V.

RISE OF ECCLESIASTICISM.

A.D. 597–1042.

A MEMORABLE event in the national history was the introduction of Christianity among the Saxons of Kent by St. Augustine; the Apostle to the English. He was sent, in 597, with forty monks, by Pope Gregory the Great (b. 544, r. 590-604), who had long cherished the design of such a mission. To that able and distinguished Pontiff, the equal in ability, and the superior in character to Innocent III., Leo X., and Hildebrand, the Roman Church is indebted for the complete organization of her

public services and the details of her ritual; for great improvements in sacred music, his name being honourably perpetuated in the Gregorian Tones, or Chants; and for his firm and upright administration. St. Augustine came to King Æthelberht, who had married Bertha, daughter of the Frankish King Charibert of Paris, and had agreed to allow her the free exercise of her religion. Canterbury was assigned as a place of residence for the monks. Their preaching was successful, so far as nominal converts went, as is usually the case under intense excitement, or the imitative faculty induced by novelty, or the influence of example backed by authority. Æthelberht and ten thousand of his subjects are said, in the loose enumeration of that day, to have been baptized. In 604, his nephew, the King of Essex, and, shortly afterwards, the King of East Anglia, also fell into the fashion. Augustine himself had nothing to do with these, for he died in that year, and his labours were chiefly restricted to Kent. Such wholesale and multitudinous conversions were not lasting. Many of the newly-baptized heathen remained in a state of Paganism. Their so-called Christianity was not even skin-deep.

Æthelberht died twelve years after Augustine, and his people relapsed. Even so late as 1008, one of the laws of Æthelred directed heathenism to be cast out; which cannot be explained solely by reference to the Danish settlers. Yet the presence and teaching of a body of priests must have had a salutary influence; the effects of which were seen in future years. At that time the priesthood was free from many of the corruptions and vices which afterwards appeared. Other missionary enterprises were carried on later, in Wessex, Northumbria, and Mercia, by itinerant preachers, from Scotland, Ireland, Italy, and elsewhere. Not until after the middle of the seventh century did Theodore of Tarsus, Archbishop of Canterbury from 668 to 690, undertake the work of church organization in England on the Roman model, and of welding together the churches of the several independent kingdoms. The large primitive dioceses were then divided; an incipient parochial system appeared, somewhat conterminous with the settled area of the landowner; discipline was strengthened; and there was

a speedy development of monasticism. Theodore was the seventh Archbishop, dating from Augustine. Under royal sanction, he offered the perpetual patronage of churches, as an inducement to their erection; so that Blackstone's theory is probably the true one. But for many ages the right of presentation had no direct money value, and it was never intended to be a matter for barter; being merely a trust for the good of the Church and of religion in the locality.

Polemical zeal clings to the figment of an earlier British Church; with an elaborate ritual; gradations of rank; and the transmission of sacramental grace in an unbroken stream. This is sustained by nothing worthy of being regarded as evidence. The spirit of sacerdotalism projects itself back for nearly two thousand years, and usually finds what it seeks, after more or less of floundering in the vast quagmires of patristic antiquarianism. Rhetorical flourishes in Tertullian and Eusebius, and in one or two of the Fathers, are made to bear a forced meaning. Legendary stories of the Middle Ages, about supposed visits to this country by Joseph of Arimathea and by St. Paul with alleged representatives from Britain at the Councils of Arles and of Nice, in 314 and 325, and similar conjectures of later times, are inadequate to prove the existence of an ecclesiastical hierarchy in Britain. Traditions relating to it originated long afterwards, and are not trustworthy. They are as shadowy and unsubstantial as the Fata Morgana of Arthurian legend. Even Gildas (516 570), attempts no explanation as to the origin of the English Church. There may have been scattered converts and small communities here and there; the results of some Christian colonists during the Roman occupancy, or of zealous though fugitive missionary enterprise on the part of the monks who settled in Iona with St. Columba, in 563, and who laboured in the Northern part of Britain and in Ireland, or of those who went forth from Lindisfarne, or Holy Island, afterwards identified with St. Cuthbert, who died in 687. His predecessor was the renowned St. Aidan, who went from Iona in 634 to re-convert the people of Northumbria, after one of the periodical battles, ravages, and relapses. Bæda says that charity, gentle-

ness, humility, fearlessness, and absolute devotion to his work were the especial traits of Aidan's character.

It is incredible, however, in the absence of clear and reliable testimony, that any national church organization, in the proper sense of the term, was to be found in any part of Britain prior to the arrival of St. Augustine. If so, it is extraordinary that it should have become extinct and forgotten; and that no effort was made by the pretended British Church to convert the Saxon settlers. Their conquest of the country was effected with such thoroughness that Christianity, such as it was, lingered only in sequestered nooks; chiefly in Wales, as Milman shows. There is absolutely no continuity between British and English Christianity. The land practically relapsed into Paganism, out of which parts of it had emerged only in name, and the work of a nominal conversion to Christianity had to be performed over again. Dean Hook admits, in the article in his 'Dictionary' on the Early British Church, that there was no distinct continuity between it and the one founded by Augustine; adding, that after his arrival, the conversion of England, especially the Northern parts, was largely due to Celtic missionaries; who are in no way to be regarded as emissaries or representatives of the British Church. Such feeble and pietistic stories as 'Daybreak in Britain,' by Miss C. Tucker ("A.L.O.E."), are wholly unworthy of credence as historical facts. They are the worst kind of romances.

The modern Church of England, notwithstanding ignorant and clamorous denials, and laboured attempts to trace it back to Apostolic times, is a child of the Church of Rome, above and beyond all the other ecclesiastical establishments of Europe. This is the opinion of E. A. Freeman; who adds,—"In after times, certain British dioceses submitted to English ecclesiastical rule; and that is all. The Christianity of England did not come wholly from any single source; and one of the sources from which it came was found within the British islands. But that source was not a British source. . . . Theologians may dispute over the inferences to be drawn from the fact; but the historical fact cannot be altered to please any man. . . . England was the special conquest

of the Roman Church; the first land which looked up with reverence to the Roman Pontiff; while it owed not even a nominal allegiance to the Roman Cæsar." Not much importance attaches to the alleged massacre of two thousand British monks at Bangor in 613. Specific numbers relating to remote times must always be accepted with reserve. That a slaughter took place is conceivable, but if so, it was nine years after the death of Augustine. Twenty might easily be magnified into two hundred, and then into two thousand. The later dispute between the Roman clergy and so-called British clergy, as in the Synod or Council of Whitby, in 664, turned upon minor matters, such as the supremacy of Rome, the mode of administering the rite of baptism and of celebrating Mass, the shape of the tonsure, and the date of observing Easter.

Milton, in his treatise 'Of Prelatical Episcopacy,' says of Patristic authority:—"Whatsoever Time, or the heedless hand of blind chance, hath drawn down from of old to this present in her huge drag-net, whether fish or seaweed, shells or shrubs, unpicked, unchosen—these are the Fathers." He contemptuously dismisses the "needless tractates stuffed with specious names, with fragments of old martyrologies and legends, to distract and stagger the multitude of credulous readers, and mislead them from their strong guards and places of safety under the tuition of Holy Writ." He examines minutely and critically the plea set up for apostolical succession, and his conclusions have never been disproved. How far the Saxon Church as founded by Augustine was identical and homogeneous with the nation, is open to serious doubt. Professional pride, as is natural, constructs an elaborate theory, which the few known facts do not sustain. The revived spirit of ecclesiastical mediævalism in the nineteenth century has gone into ecstasies over the supposed triumphs of what are called the Ages of Faith. Testimony in support of all this rhetorical adulation is sadly lacking. What evidence exists, tends in the opposite direction. It is not a pleasant task to dissipate an illusion, but this one is nothing but the product of vivid clerical fancy. Modern Nonconformists also sometimes indulge in the pious fraud of tracing specific local church organizations to the Ejectment of 1662, though there

may be an entire absence of historical continuity, and little or no affinity either in doctrine or in polity. Fortunately, the Christian life is not a matter of ecclesiastical lineage or of visible outward uniformity.

The distinguished missionary, Augustine, must not be confounded with his more illustrious namesake, St. Augustine of Hippo (A.D. 354–430); the greatest theologian of the Latin Fathers, and the pupil and friend of St. Ambrose of Milan. What are known in church history as the Donatist and Pelagian controversies, towards the end of the fourth century, called forth all the powers of Augustine's keen and trained intellect. No one exerted for generations such a commanding influence over Western Christendom. He is one of the formative minds that appear at long intervals. In his 'Confessions,' which form a deep, earnest, sacred autobiography, there are passages that have no parallel, except in the Psalms of David; but his 'City of God,' finished in 426, in his seventy-second year, is considered the greatest of his numerous productions. In spite of manifest drawbacks, it is a monument of human genius, and is one of the works to which immortality belongs. His name is indissolubly connected with a system of doctrine around which a fierce controversy waged for ages in England and on the Continent. Its distinguishing points are his theories respecting original sin, predestination, grace, reprobation, final perseverance, and free-will. These doctrines, first systematized by him, were derived from the Manichæans of the third century, and are traceable, in various forms, to the Primitive Church. Apart, however, from dogmatic theology, and its endless and virulent controversies, the appearance of such a man as St. Augustine of Hippo marks an era in the history of human thought. His influence, as transmitted through Calvin, was largely felt in England, especially during the storms of the Reformation, and it continues to operate to this day throughout Christendom.

During the time of the partition of England into separate kingdoms, several of the chiefs, especially of Wessex and of Mercia, made gifts and are said to have ordered payments in favour of the Church at Rome, with a view to secure a better reception of pilgrims, or to pur-

chase some immunity or privilege. Such payments were either regular and generous, or fitful and stingy: according to the hot or cold measure of zeal that happened to prevail at the time. Offa, of Mercia, in 787, induced the Pontiff to consent to a partition of the great province of Canterbury. A new archbishopric was formed, with its seat at Lichfield, and the Sees within the Mercian kingdom were subordinated to it. The arrangement speedily came to an end, but its temporary success was purchased by a bribe, out of which arose the subsequent claim of Peter's Pence; a nominal levy of a penny upon each house. No authority exists for the assertion that Ini, or any other Saxon king, paid a similar tribute, in 725, for the support of an English school in Rome. Æthelwulf, about the year 855, probably as one result of a visit there, made a gift which is commonly supposed to be the origin of tithes in England. It was a personal act, and had no legislative sanction or national obligation. The greater part of the country was forest, heath, or mere: and on no principle of equity could a charge be created on the industry of future and remote generations, on account of unreclaimed land, by the precarious titular ruler of a small district.

Local customs had probably operated prior to that time, although no means existed of enforcing payment, either by temporal or spiritual penalties. Tithes then became territorial, or tribal; rather than general. The whole subject of their legal imposition is wrapped in impenetrable obscurity. Voluntary offerings, and exhortations to spontaneous benevolence, slowly crystallized into custom, and then into law; enforced by spiritual claims and threats, as clerical power grew. Selden states that for the first four centuries of the Christian era, tithes were unknown; even as voluntary offerings. Ecclesiastical authority in the sixth century imposed them as a duty, but they were still regarded as voluntary gifts. Dean Milman thus refers to the origin of the system in the Western Empire:—"On the whole body of the clergy Charlemagne bestowed the legal claim to tithe. It was by no means a spontaneous votive offering of the whole Christian people: it was a tax imposed by Imperial authority, enforced by Imperial power." Sir

Walter Phillimore concurs in this. Bishop Stubbs attributes the charge to the Legatine Councils held in England in 787, under the authority of kings and ealdormen; eight years later than the order of Charlemagne. He adds, that, "except as showing the sanctity of the tenth portion, the famous donation of Æthelwulf had nothing whatever to do with tithes." The application of money thus raised by subsequent legislation was capricious, and mainly local. Not until the year 1200 was the principle affirmed that the clergy had the first claim upon tithe, even from newly-cultivated land. Originally, the amount seems to have been divided into three equal portions; for the relief of the poor, for the repair and ornamentation of the fabric of the church, and for the maintenance of the clergy.

The payment of Peter's Pence was entirely suspended during the Danish invasion. Cnut wished to atone in some measure for the evil which his pagan forefathers had wrought; to secure spiritual ratification for his own policy; and to surpass his predecessors in the munificence of his gifts. After a pilgrimage to Rome, in 1030, in conformity with a custom deemed highly meritorious, he revived the payment; at the rate of a penny for each house. This was not meant as an admission of a right, but as a friendly and voluntary gift. In the course of time, when later Popes claimed to rule as temporal sovereigns, and asserted a supremacy not only over all other bishops but over kings and emperors, payment was demanded as their unquestioned due. By such gradual and boldly-cautious steps, like a man feeling his way in the dark over an uncertain path, was this far-reaching domination secured. No one then suspected what might result from the annual offering of Peter's Pence; yet, within half a century, Rome claimed to treat England as a fief, to be given or bartered away at its discretion. For five hundred years, continual disputes and quarrels occurred on these and kindred matters, between successive Popes on the one side, and English Kings, Great Councils, and Parliaments on the other; until the quarrel was finally ended by the passing of such Statutes as those relating to Provisors of Benefices, to Mortmain, to Appeals to Rome, and to the Royal Supremacy.

Long before the time of Cnut, the riches, pride, idleness, and vices of many of the clergy were matters of complaint. A professional order of priests, whether Christian or Pagan, Romanist or Protestant, is always a menace to a community. Monachism, in any of its forms, however pure and lofty the original inception, invariably becomes debased and corrupt. Ascetics, anchorites, eremites, and cenobites of every kind, have always and speedily fallen from their high ideal. The abuses which arose, even in early ages, are deplored by the Fathers who are most fervid in praising the institution itself. St. Anthony of Thebes, who died in 356, is regarded as the founder of Monachism; but it had prevailed, long before, among the Jewish Essenes, the Buddhists of China, the Brahmins of India, and other ancient Oriental peoples. It was first introduced into the West, in Rome and in Northern Italy, by Athanasius; into Africa by Augustine of Hippo; and afterwards into Gaul by Martin of Tours. Whether Augustine framed any formal rule of monastic life, is uncertain; but one was deduced from his copious writings, and was adopted, at various times, by as many as thirty fraternities. The Canons Regular of his Order appear to have been founded or remodelled about the middle of the eleventh century. They had about one hundred and seventy houses in England; one of the most famous being still known, after sundry mutations, as Austin Friars, in the City of London, near the Bank of England. It was founded in 1253, by Humphrey de Bohun, Earl of Hereford, and speedily became one of the wealthiest in the metropolis. This ancient church has been used for more than three centuries by the Dutch community, whose ancestors were driven out of the Netherlands by persecution.

The early monks were not, in the proper sense, clergymen. They were not entrusted with the cure of souls. They neither preached, nor heard confessions, nor administered the Sacraments, nor exercised ordinary spiritual functions. Strictly speaking, they were laymen, living in a brotherhood; subject to vows of celibacy and obedience, with a community of goods. They had the disposal of their own time and industry, and the maxim, *Ora et Labora*, was, at the first, strictly observed. Thus

they differed from the monks of a later age in some important respects. The famous Order of Benedictines was so called from their founder, a native of Umbria, in Italy (480–543). They professed to seclude themselves from the world; made a boast of poverty; and vowed absolute obedience to the rules of the Order, which enjoined continual residence in the monastery, and, in addition to the usual religious exercises, employment in manual labour, the instruction of youth, and copying manuscripts for the libraries.

The last injunction, applied at the outset by St. Benedict to religious books only, was afterwards extended to secular productions. It is remarkable that the founder of what eventually became the largest, the wealthiest, the most powerful, and the most learned of all the monastic Orders, was himself, like the founder of the Franciscans at a later day, so little of a scholar that Gregory the Great paradoxically described him as "learnedly ignorant" and "wisely unlearned." His followers increased so rapidly after the sixth century that they must be regarded as the main agents in the spread of Christianity, civilization, and learning in the West. In their palmy days, they had as many as thirty-seven thousand monasteries in Europe. Most of the rich abbeys in England, and all the cathedral priories, except Carlisle, were Benedictine. Archbishops Lanfranc and Anselm, and other distinguished prelates, belonged to this Order. Dugdale, in his great work, 'Monasticon Anglicanum,' the first volume of which was published in 1655, gives copious details of all the foundations. Four massive folio volumes out of seven are devoted to the Benedictines, whose principal seats were at Glastonbury, Malmesbury, Whitby, Evesham, Tewkesbury, Croyland, St. Alban's, Thorney, St. Edmund's Bury, Tynemouth, and Great Malvern. The austere Cistercians, a reformed branch of the former, and the Quakers of that day, were located, among other places, at Furness Abbey, Tintern, Fountains, Rivaux, Kirkstall, and Nedley. St. Bernard of Clairvaux was a renowned member of this Order. The Carthusians, who took their name from La Grand Chartreuse, near Grenoble, corrupted into the well-known Charterhouse, in London, were also found at Waltham,

Walsingham, Cirencester, Hexham, Bolton, and Newstead. Dugdale gives particulars of every known Religious House in England, of all kinds, existing or extinct; amounting in all to more than eighteen hundred, including numerous subordinate and affiliated bodies. Some escaped his vigilant inquiries. The abbeys were great schools as well as monasteries, and they continued for a lengthened period to discharge important educational functions.

The building, endowment, and adorning of monasteries had been carried on to such an extent prior to the eighth century that no small part of the wealth of England was spent in this way, or lay buried in the rich ornaments, dresses, and utensils of the churches. William of Malmesbury says that "the masses of gold and silver which Queen Emma," wife of Æthelred and of Cnut, "with a holy prodigality bestowed upon the monasteries of Winchester, astonished the minds of strangers; while the splendour of the precious stones dazzled their eyes." The number or the Seculars, or parochial clergy, and of the Regulars, or monastic clergy, greatly increased, and they were munificently endowed with landed property, jewels, and rich vestments. By frequent grants made from the beginning of the tenth to the middle of the eleventh century, there is reason to believe the common statement, that at the time when Edward the Confessor died, more than one third of all the cultivated land of England was held by the clergy. They were exempt from taxation, and provided no military service. It is not surprising that first the Danes, and then the Normans, were successful in their attacks. Shaven priests were a sorry defence against invasion; while the enormous wealth of churches and monasteries promised an ample field of plunder for these bandits. Sacred buildings were always the first objects of attack in their repeated forays. Bæda, writing to his friend Egberht, Archbishop of York, expressed a fear that, from the increase of monks, soldiers would be lacking to repel invaders. Many monasteries had been built and endowed since his time, through the liberal gifts of kings and nobles, who were exhorted that such offerings were specially pleasing to God, and would atone for sins.

Rome perceived the advantage that the monastic system furnished in rearing a class of men, having no family or local ties, who would be ready to go anywhere, and to undertake any service calculated to promote the scheme of setting up Papal authority over all nations. Astuteness and adaptation have always marked her policy. As in the case of the Mendicant Friars in the thirteenth century, and, later, in that of the Jesuits, so now with the monks, the assistance was welcomed of a body of new recruits, with their special characteristics. It was speedily resolved to enforce celibacy upon the clergy throughout Christendom. One of the grounds of quarrel between King Eadwig and Archbishop Dunstan was said to be the favour shown by the former to the secular clergy; whereas Dunstan did his best to establish rigid monastic rules, such as the extreme laxity of prevalent morals demanded. This renowned prelate-statesman, the precursor of Lanfranc, Becket, Wolsey, and Laud, was born in 925, near Glastonbury. He was the chief adviser of Eadgar; the monarch around whose name circle the expiring glories of the Saxon Kingdoms. Dunstan was a man of commanding abilities; but his memory has suffered as much from the injudicious eulogium of friends as from the excessive censure of enemies. Popular esteem canonized him immediately after his death, and he remained for nearly two centuries the favourite English saint, until his renown was eclipsed by that of Becket. He commenced his career as Abbot of Glastonbury, in Somerset. Tradition ascribed its origin to Joseph of Arimathea. The miraculous thorn which was vulgarly believed to blossom on Christmas Day, was said to have sprung from the staff that aided his pilgrimage from the Holy Land. In 957, Dunstan was appointed Bishop of Worcester. Two years later, the See of London was conferred upon him, in addition, and in the same year he was created Archbishop of Canterbury. He was only sixty-four when he died; but he left his mark upon the history of his times. He set himself to consolidate the affairs of the kingdom; to establish ecclesiastical order and obedience; to make the church the educator of the people, and her ministers to be true teachers. He framed numerous canons designed to raise their character. He was a man

of great energy and ability; zealous and sincere; loving to compose quarrels and to befriend the weak and needy. Bishop Stubbs shows that the common charge of persecuting the married clergy is baseless. Æthelwold, Bishop of Winchester, and Oswald, Bishop of Worcester, took the most conspicuous part in this movement, which extolled the single state as the only one worthy of the holiness of the priestly office. Miracles and tales were invented, to work upon the fears and credulity of the ignorant. By such means, within a few years, forty-eight monasteries were filled with Benedictine monks.

The monastic ideal was lofty and grand, in its early conception; but this "fugitive and cloistered virtue," as Milton terms it, was impossible of attainment by average men. In order to succeed, the system required a character so rare and exalted as to be heroic and saintly. Morbid spiritual egotism and false standards of holiness produced their inevitable effects. Attempts at reform were only in part or for a time successful. Other bodies of monks arose, with the avowed design of restoring pristine simplicity and purity; such as the Carthusians and the Cistercians, already mentioned, with the corresponding orders of Nuns, and, at a later period, the Franciscans and Dominicans. All of these, in their turn, became corrupted and enfeebled by prosperity, like the earlier Benedictines and Augustines. In the case of these two great bodies, vows of poverty were soon forgotten or eluded, and their severe rule of life was relaxed. Narrow cells developed into stately cloisters, and hermits into princely abbots. Vast estates were acquired; mainly by death-bed bequests from the conscience-smitten and the superstitious. The evil attained such portentous dimensions that it had to be dealt with in the thirteenth century by the Statute of Mortmain. The names and titles employed unintentionally reveal the truth; for there is an unconscious meaning that often attaches to the use of words. An Abbey was a monastery of the highest rank, governed by a Lord Abbot, who was usually a temporal as well as a spiritual potentate. The heads of the greater Abbeys became peers of the realm and sat in Parliament. A Priory was a less extensive and wealthy community, and, in early

times, was usually subordinate to an Abbey; though many acquired vast territorial domains, and became virtually independent. The heads of these great foundations rivalled prelates and nobles in their magnificence, and their landed and other possessions enabled them to sway an influence that was often inimical to the State.

As Lecky very properly and forcibly argues, in his 'History of European Morals,' the beneficial influence of the monastic system was, in the nature of the case, transitory. "Its subsequent corruption was the inevitable result of its constitution. Groups of men or women living in enforced celibacy, exercising boundless spiritual influence, possessing enormous wealth, and bound to their respective Orders by artificial but stringent ties, were certain to become venal, corrupt, and debased when the early enthusiasm died away." The original services rendered by monasteries as centres of agriculture, refuges for travellers, and sanctuaries in time of war, were no longer required when the dread of invasion and when social convulsions had ceased. The Benedictines, by making labour an essential element of their rule, did much to efface the absurd stigma affixed to it by the ancient system of slavery. Yet, when industry had passed out of its initial stages, the monastic teachings, exaggerated in scope, as to the pretended sanctity of poverty and the evil of wealth, were opposed to the true idea of honest work.

The ordinary mass-priest of the country village was an undignified personage; living on his fees, and rendering for them perfunctory service. His origin was often traceable to the semi-servile class, and he retained its habits, its faults, and its vices. In the tenth century, it was needful for his ecclesiastical superiors to warn him not to be a public spoiler, or engage in private feuds, or drink in taverns, or greedily introduce himself at funeral feasts. He was frequently unable to perform the church service with common decorum, because of his ignorance and bad character. Missals and vestments were lost or stolen; improper vessels were used for the Eucharist; sacred edifices were devoted to secular uses, or suffered to fall into scandalous decay. The Popes, and the higher orders of clergy at Rome, carried on a

lucrative trade in relics; of which there seemed to be an endless store. Kings, princes, and wealthy prelates bought pieces of what was alleged to be the true cross, of which there must have been enough to build a large house; or legs and arms of apostles and saints, sufficient to represent a battlefield. When Angelnoth, Archbishop of Canterbury, was at Rome in 1021, he bought what was said to be an arm of St. Augustine, for six thousand pounds' weight of silver and sixty pounds' weight of gold. Such relics were prized as the greatest treasures in churches and monasteries, were placed in caskets of gold adorned with gems, and were shown with much pomp on rare occasions for the adoration of the faithful. Relics were sometimes abstracted or taken by force from small monasteries by those of greater power and wealth, and there was a brisk trade in such articles of ecclesiastical furniture. With an increasing demand there was a prompt supply. A system of wholesale manufacture of relics was carried on for centuries, until the impudent frauds collapsed in the time of Henry VIII. Still further to increase the wonder of the populace, and to stimulate generous gifts, numerous tales were invented of miracles and cures alleged to have been wrought by relics. The Chronicles contain specimens of the foolish things taught and credulously accepted. Those who should have been guides and leaders, were addicted to gross superstitions, which they instilled into others and enforced by pretended miracles. William of Malmesbury relates one as a fact, professing to be in the words of a person on whom it was said to have been wrought, in 1012, when thirty-three young men and women continued dancing day and night for a year, as a punishment for their impiety in a churchyard; until the spell was dissolved by a bishop.

Originally, the dioceses were conterminous with the jurisdiction of some local ruler, or titular king, and the episcopal See was fixed in the principal city. After the partial settlement under Archbishop Theodore, towards the end of the seventh century, and the temporary arrangement, in 787, in Mercia, by the ephemeral archbishopric of Lichfield, nothing was done in this way for nearly two hundred years. Before the close of the tenth century the dioceses had undergone various extensions and modi-

fications: but the limits were, in most cases, different from those subsequently fixed by William I., under the advice of Lanfranc. Thus the bishopric of Selsey—the site of which has long been engulphed by encroachments of the ocean—consisted mainly of the district now allotted to Chichester. Another diocese that has vanished is Sherborne, comprising parts of Dorset and Wilts. The chief relics of ancient ecclesiastical renown in that district are to be seen in the famous Minsters at Sherborne and Wimborne; portions of the monasteries to which such edifices always belonged. Ramsbury was the seat of a bishopric that embraced parts of the present geographical limits of the See of Salisbury. Dorchester was an immense diocese, extending from a little South of the decayed town of that name, in Oxfordshire, to the Humber, and it included the whole of the present Midland Counties. On the East it was joined by the See of Elmham, which comprised the whole of East Anglia down to the river Stour. Lichfield, continued as a bishopric, was another vast diocese, partly to the West of Dorchester, ranging from what is now known as Warwickshire to the modern Lancashire. Partly between these two great bishoprics, and continuing on to that of Durham, with a territory stretching from sea to sea, was the Northern archdiocese of York, which, even in those early times, had commenced an interminable dispute with Canterbury as to precedence and prerogatives. In addition to these nine, there were the Sees of London, Winchester, Rochester, Wells, Exeter, Worcester, and Hereford. It must be remembered, however, that the population in the Midland district, where vast forests abounded, and in the North, where moor and fen land prevailed, was very sparse. At that time, and for a long subsequent period, the chief centres were in Kent, in the Southern districts, in East Anglia, and around London.

In process of time, the appointment of bishops and abbots rested with the monarch and the Witan; though there are faint traces of a capitular nomination. The form always was that the king granted the bishopric or abbacy to a certain person. The writ, issued under seal, confirmed the rights and possessions as fully as they were held by the last occupant. The bishop also received his

ring and pastoral staff from the king. This mode of investiture gave rise to prolonged and angry disputes with Rome. Much obscurity rests over the methods by which the clergy came to wield such great influence in secular affairs. The prelates, as has been explained, exercised a share of jurisdiction in the local courts, and they gradually began to employ spiritual weapons in cases against morality. Offences by the clergy in matters of discipline were dealt with by the diocesan, who subsequently demanded that clerical offences, of every kind, should be withdrawn from the secular courts. Next, in process of time, an order of prelate-statesmen arose, often involving a conflict of choice between their duties as bishops and those appertaining to the public administrator. Under the later Saxon kings, the occupant of the See of Canterbury figures as a secular potentate rather than as a spiritual head. Stigand, the last of the native primates, held, in addition, the richest See in England; the vice of plurality of benefices having become too common. He was also the adherent of a schismatic pontiff, and the head of a patriotic but unspiritual organization.

After the death of Ælfred, in 901, there followed, until the Danish Conquest in 1016, more than a hundred years of fitful trouble and of frequent war. The Chronicles are obscure; and, sometimes, contradictory. Through the gloom can be caught lurid glimpses of battles, murders, incendiarism, barbarity, and crime. It is a repetition of the old revolting story; but the particulars need not be given. Have they not been copiously set forth in the pages of Freeman, with an ingenious use of scanty materials, eked out by speculation and hypothesis? His patient labour and literary ability must be recognised, whatever may be thought of the actual results and of some of the theories advanced. Some of his statements, where not based upon indubitable historical evidence, but upon a clever exercise of the imagination, are advanced with an air of authority that is prone to mislead the unwary; because so plausible and dogmatic.

By the voice of the Witan, Eadward, second surviving son of Ælfred, succeeded to the throne. Ælfred had

rescued large portions of the country from the wild hordes of Danes, and laid a broad and sure foundation on which others might build. His son wrested from them other portions of territory in the North and East of England, but did little towards perfecting measures for domestic comfort, knowledge, and prosperity, such as his father had begun. His reign of twenty-four years was a long series of battles, which won for him great renown, but little else. He died in 925, at Faringdon, in Berkshire, and was buried in the new Minster at Winchester. His son, Æthelstan, was crowned at Kingston-on-Thames by Æthelm, Archbishop of Canterbury; the first recorded instance of a coronation in England. He took Northumbria from the Danes, and when fresh bands came over, in 937, in six hundred and fifty ships, he gathered all his forces and defeated them in the celebrated battle of Brunanburh. The precise locality is unknown, though the weight of evidence is in favour of North Lincolnshire. This contest was decisive for a short time. It established his power over all England, of which he was, in a strict sense, the first sole monarch. Before this, the name of England had almost superseded other names, and the fusion of races had begun. The Chronicler, Æthelweard, who was descended from Ælfred's brother, Æthelred, styles his own countrymen in Wessex, West Angles. The South and East Saxons he calls South and East Angles. The phrase Anglo-Saxon, is nothing more than a book-word, employed simply for convenience and to spare tautology. Wealth was increasing; as is manifest from the numerous laws respecting property and trade, from the establishment of recognised mints in privileged cities, and from the vast bribes paid to the Danes.

Æthelstan died in 940; regretted by his subjects, and admired by surrounding nations; for his fame had widely spread. Eadward, his brother, reigned only six years; being murdered by an outlaw who had returned from banishment. During that time, he, too, had to fight the Danes, who again tried to seize the Midland and Northern counties. Eadred, another brother, was elected by the Witan; to the exclusion of his young nephews; a course often pursued, for personal reasons, or those of policy.

This was the first instance where Briton, Dane, and Englishman took common part in a Great National Council. Eadred made a more effectual conquest of Northumbria than even Æthelstan had done. It never regained independence, or tried to assert separate authority. For nearly fifty years, no pirate fleet succeeded in landing upon the coast. Eadred died in 955, and was followed by his nephew Eadwig, the Fair. Such designations were common, and persons were distinguished as the Long, the Black, or the Good. Surnames or family names were not used until the time of Eadward the Confessor. They often originated in nicknames; or were the names of places or trades given to denote particular persons.

Eadwig was so unfortunate as to quarrel with Dunstan. Of the causes or the merits of the dispute nothing is known with certitude, although conjectures abound in later writers. The character of the King is painted in the blackest colours by the monks, but they assign no proofs, and their representations must always be accepted with caution. Generally speaking, their opinions and criticisms are based upon the extent of the gifts made to the Church, or the unquestioning obedience to priestly dictation. They all heartily concur in abusing Eadwig; who died in 959; being only nineteen years of age. He was succeeded by his brother Eadgar, a boy of sixteen; styled the Peaceable, from the singular circumstance of no war having occurred during his reign of sixteen years. Great praise is bestowed on him by the Chroniclers, for what they term his piety and devotion, but they record enough to show that he was coarse, low, and vicious. As, however, he upheld priestly power, aided Dunstan in his schemes of clerical reform, and made large donations to the Church, he is lauded as a pattern of goodness. His son, Eadward, after a tenure of only four years, was stabbed by his step-mother, in order that her own son, Æthelred the Second, a child of ten years of age, might become King. The epithet of the Unready is attached to him: not in the sense of being dilatory or unprepared, but of lacking "rede," or counsel. He was not able to keep the Danish part of his subjects in order, and they invited other Northmen to come over and help them to

re-assert their independence. Various attacks were made, and Æthelred, after a drawn battle near Maldon, in 991, instead of assembling fresh troops and driving the Danes back, gave them a bribe of ten thousand pounds' weight of silver to depart.

As might have been foreseen, this timidity and these bribes on the part of the islanders only made the Danes bolder and more rapacious. In the decaying days of the Roman Empire, the hordes of barbarians were repeatedly bought off; only to embolden them to make further irruptions and larger demands. A similar result was witnessed in England. Other bands of sea-rovers arrived in 993, under two renowned freebooters; Swegen of Denmark, and Olaf of Norway. They sailed up the Humber, robbed the country, and marched into Northumbria, where the people being mostly of Danish descent, welcomed them. In the following Spring they sailed up the Thames; but the citizens of London, always bold and brave in defence of their rights and their wealth, repulsed them. In revenge, they wasted the country round with fire and sword. Again Æthelred bribed them to leave, with sixteen thousand pounds of silver; but, in 977, and in the two following years, fresh hordes came over and committed dreadful havoc in Kent and in the South-West. They only ceased for a short time on the payment of twenty-four thousand pounds of silver. Other bands had been hired by the English to fight against the Danes; for these reckless sea-rovers, like mercenary troops in every age, were always ready to sell themselves and to destroy one another. The cost of this, with the heavy and repeated bribes, led to the imposition of a tax, first of one shilling, and then of seven shillings, on every hide of land; or about one hundred and twenty acres. This tax of the Danegeld continued to be levied long after the original cause had ceased. In the time of Cnut, himself a Dane, it realised the then vast sum of eighty-two thousand pounds of silver; equal to a quarter of a million in modern money in the value of the silver alone, apart from what it could then purchase. This was the initial form of the land tax, which continues until the present day.

In 1002, there was a general massacre of the Danes in

the Southern part of the island; men, women, and children falling victims to the revenge of the people for prolonged acts of cruelty and extortion. It does not appear to have extended to the Danelagh, where the settled Northmen were too numerous and too strong. Later versions were embellished with circumstantial additions, more or less conjectural. No sooner did news of this reach Swegen, whose sister was one of the victims, than he vowed to take vengeance. The vow was kept with barbarous brutality until his death twelve years afterwards. He gathered a large fleet, and filled it with bold men, ready for any acts of violence and cruelty in return for ample plunder. He landed near Exeter, and the city was yielded up by treachery. After plundering it, and breaking down the walls, he marched through Devon, Somerset, and Wilts; murdering, robbing, and burning on all sides. His track was marked, as usual, with charred houses, slaughtered and mutilated men, and ravished women, and he sailed away with immense booty. The next year he invaded Norfolk, and took and sacked Norwich, with nearly all the towns in East Anglia. The country was overrun for four years. Crops could not be sown, and famine appeared. Towns and villages were robbed, and then burned. All who fell into the hands of these savages met with insult, outrage, and torture before they were killed. Despair urged the inhabitants sometimes to rise against detached bodies of the invaders; but these usually managed to repel all attacks and to rout with dreadful slaughter any army sent against them.

Elphege, Archbishop of Canterbury, was seized when that city was taken. Refusing to pay a ransom, he was barbarously murdered. Once more, in 1007, Swegen consented to leave, for a payment of thirty-six thousand pounds of silver; the amount of the bribe thus continually increasing in a kind of arithmetical progression. In the following year, the Witan enacted that every owner of three hundred hides of land should furnish a ship for the defence of the coasts, and the owner of every eight hides was to provide a helmet and breastplate. By this means a fleet of nearly eight hundred small vessels was raised; which proves that England

must have made great advances in wealth, notwithstanding all the recent losses and misery. These ships were galleys with one mast, and from twenty to one hundred tons burden. The fleet might have done good service, but for treachery and internal disputes. The Danes again came over, in 1010, under Thurkill, and for nearly three years committed frightful havoc. Nothing is read of in the Chronicles but the sacking and burning of towns, the destruction of everything that could not be carried away, the ravaging of monasteries and nunneries, and wholesale murders; with savage horrors that weary and sadden the reader. After desolating extensive districts, Thurkill granted peace to Æthelred for forty-eight thousand pounds of silver. Swegen, who was Thurkill's lord, pretended to be angry at this truce, and declared that he would at once conquer England. He sailed with a large fleet in 1013, and entered the Humber. The men of the Danelagh sided with him, and he was owned as King of the country North of Watling-Street. He then marched Southwards; spreading murder, fire, and pillage around. The chief towns yielded; but once more the stout-hearted citizens of London successfully resisted.

Æthelred had taken refuge in Normandy, with his wife's brother, Duke Richard; but in February, 1014, Swegen suddenly died at Gainsborough, just as he was about to be crowned, and thus found a Scandinavian empire of which England should be the seat. The Danes proclaimed his son Cnut; but the English nobles and prelates asked Æthelred to return, if he would undertake to rule more righteously. He came back; leaving his wife in the Norman Court, where his two younger sons were brought up. Cnut was called away to settle affairs in Denmark; but England was too rich a prize to be neglected. The next year he brought over fresh troops and harried the South-West coast. Æthelred was in failing health, and the conduct of affairs rested with his son Eadmund, named Ironside, on account of his valour and strength. He was declared King on the death of his father, April 23, 1016, and entered on a short and stormy reign of not quite seven months. He withdrew into Wessex, the men of which district gathered round him, and six contests occurred during

that Summer. At Sherstone, in Wiltshire, a fierce battle was fought between his forces and those of Cnut. Neither won the day; but Cnut lost so many men, and had such respect for Eadmund's military talent, that he withdrew towards London, which some of his troops were then besieging. Eadmund followed, and forced three other battles; the last being a famous fight at Assandun, in Essex. Some of the nobles and prelates intervened, and proposed an arrangement, which was agreed to. Cnut was to reign over the Northern portion of the country, and Eadmund over the Southern, as in the time of Ælfred. This partition lasted only two months; being ended by Eadmund's death; although when and how this took place is not known. His renown was long the theme of popular songs and tales. Under happier circumstances, and at an earlier period, he might have stemmed this fresh tide of invasion.

In this way what is commonly termed the Anglo-Saxon, or original English rule in England, came to an end. Though it was restored for a short time, its power and glory had departed. A way had been prepared for the successful attacks of the Danes, by the vast increase of the monks, and the consequent weakening of the defensive power of the country. Its nobles were quarrelling among themselves, and some of them were doubly-dyed traitors, and helped the Danes. The latter were strong, brave, and disciplined. The English, for the most part, had become enervated and spiritless. There was need for the infusion of a robust and vigorous strain of the original Saxon race; possessed of a spirit of enterprise that amounted to daring, with a passionate ardour for liberty, inured to hardship, and thirsting for adventure. The Englishman had been secluded and isolated from other peoples. His attachments were strong, but they resembled the local hold of the limpet to its native rock. His own soil, his own parish, his own immediate surroundings, sufficed to gratify his narrow ambition. The national history at this period is a record of internecine strife; of feebleness, incapacity, and indolence; with consequent decay. "Pot-bellied equanimity," according to Carlyle, was the bane of the Saxon. To this must be attributed the retrograde course

of the people, and the way in which they succumbed; first to the Northmen, and then to the Normans. But it was not England that became Scandinavian. On the contrary, as with the Norman infusion before the end of the same century, the conquerors were ultimately absorbed by the conquered. The qualities of each branch of the same original stock were transfused.

Cnut (b. 995, r. 1017–1035) had little trouble in securing to himself, by the voice of the Witan, the sole rule on the death of Eadmund Ironside. The English nobles in the Southern and Western districts had suffered too much in recent conflicts to wish for their continuance. Eadmund's children were too young to be chosen as leaders. Emma, the widow of Æthelred, was still in Normandy with her two sons. Cnut proposed to marry her, though ten years younger than herself, and the offer was accepted by her brother, the Norman Duke. Thus Cnut did not really owe the crown to conquest, though his skill and prowess contributed to the result, but to election; recognised as the supreme right of the Witan. Hitherto, they had usually done so within the limits of the reigning family; but now that family was disregarded and set aside altogether. Cnut sent away the Danish chiefs and their followers who had aided his invasion; making them costly gifts. He was himself superior to the rude pirates who had scoured sea and land for more than two centuries. There was in him, though under strong personal control, something of the barbaric fierceness of his race; yet he became a most sagacious and beneficent monarch. He was called by different names; as the Brave, for his personal valour; the Rich, for his liberality, especially to the Church; and the Great, because of his wise and successful rule. If his character and abilities had been possessed by his successors, the dynasty which he founded might have developed, according to his father's plan, into a great Scandinavian kingdom; for his sway was recognised by the Danes, the Norwegians, and most of the Swedes.

Affairs in England had become so far settled by the year 1019 that he was able to leave the country and spend the Winter in Denmark, where his presence was

needed to quell disturbances. He paid other visits to his patrimonial domains in later years, and in 1028 carried out his design of joining thereto Sweden and Norway. He did his best to blend the peoples over whom he ruled, and dealt out even justice to all. He sought by wise measures to remedy the distracted state of England, and he initiated a long period of peace; broken only by the Norman inroad and the disorders under Stephen. In a Witan held in Oxford, in 1025, he persuaded the English and Danish thanes to forgive each other their old grudges, and to pledge mutual amity. A code of laws was framed out of those already existing, with such additions as were requisite. This code contains the earliest known enactment against Purveyance, and the earliest Forest Law, which the Normans afterwards developed so ruthlessly. He did his utmost to promote an equitable administration. On one occasion, having slain a soldier in a rage, he is said to have fined himself nine times the sum at which such an act was then punishable. According to a popular tale, he reproved his courtiers for their fulsome praise of his greatness, by reminding them that the advancing waves, which compelled his seat to be removed on the shore, would not obey his bidding. This story, however, first appears in the Chronicle of Henry of Huntingdon in the following century.

Cnut died at Shaftesbury, in 1035, and was buried at Winchester. By the arrangement made on his marriage with Emma, their son, Harthacnut, should have succeeded; but he was in Denmark at the time. The English portion of the people were in his favour; but the Danish portion wished to have Harold — styled Harefoot, for his fleetness in running — a son of Cnut by a former wife. In a Witan held at Oxford, it was again agreed to divide the country; but Harold contrived to secure the whole, and held it for four years, when he died. He was followed by his half brother, Harthacnut; so called from his strength and vigour. His reign of two years was marked by tyranny, violence, and revelry. He cared only for pleasure; particularly for eating and drinking; his capacity for which was gigantic, even in that age. Such a course of life proved too much, and

he died in 1042. With him, the Danish rule came to an end. Eadward, son of Æthelred and Emma, and half-brother to Harthacnut, had been sent for by him from Normandy, and the eyes of the people turned to him as the future monarch. The possessions which Swegen and Cnut had gained in Denmark were lost to their descendants. Magnus, son of Olaf, from whom Cnut had wrested Norway, not only regained that country from Cnut's son, but took Denmark from him. He is heard of no more in connection with England.

CHAPTER VI.

A FINAL STRUGGLE OF RACES.

A.D. 1042–1066.

EADWARD THE CONFESSOR (b. 1004, r. 1042–1066) was so styled on his canonization, about a century after his death, by Pope Alexander III. Like his father, Æthelred, he was feeble of purpose and incapable of ruling. His private character was blameless, if insipid. Not that the extravagant praises of his monkish biographers are to be accepted without liberal deductions and qualifications. They depict him as a prodigy of virtue, and claim for him impossible saintliness. According to their perverted notions, bodily penance, many prayers, pilgrimages, fasting, and, in particular, costly presents to the Church, were the sure if not the sole tests of piety. So far as can now be judged, Eadward was more of a monk than a monarch. The respectable monotony of his character was unbroken. He was fond of being alone; weak and undecided; usually kind in disposition, with occasional outbursts of passion and injustice; making no grave mistakes, but showing no energy or capacity; a puppet in the hands of others, especially of his Norman favourites; a good, well-meaning, nerveless, incompetent man. In his character there was nothing regal, and his proper sphere would have been at the head of an abbey. He had spent twenty-nine years in Normandy, and had

adopted the speech, manners, dress, and opinions of that people. Crowds of them came over to his Court. He welcomed them, and gave them offices and presents: to the anger of his English subjects. The great and wealthy Sees of Canterbury, London, and Dorchester were thus filled. Robert, the Norman Abbot of Jumièges, an aspiring, intriguing, domineering cleric, was appointed Bishop of London, and then was made primate. This alien, who could not speak a word of English, swayed the feeble-minded King at will. Frequent quarrels broke out between the natives and the grasping foreigners; sometimes ending in violence and bloodshed. Thus, in 1048, and again in 1051, Eustache, Count of Boulogne, passing through Dover on his way to visit Eadward, whose sister he had married, attacked and killed several of the townspeople, and wounded many more, because they would not allow his soldiers to take up free quarters. This was the custom of the brutal, mercenary troops on the Continent; but it was not so in England, and was expressly forbidden in the borough charters. The people of Dover rose in arms on both occasions, after some of their number had been killed, retaliated on several of the foreigners, and made the rest flee.

Authenticated incidents such as these mark the difference in character and temper between the English people, with their Teutonic traditions of freedom, dear to them as the air they breathed, and the Norman and other soldiers of fortune from the Continent, whose sole standard of right was might, and who were accustomed to do as they chose and to take anything they fancied. They despised the English, with a pride whose insolence was equalled only by its ignorance. The protection extended to all classes by the law, and especially the rights conceded to the thrall or slave; the ancient customs and traditions which had come to possess the force of law; even the speech of England, with the industrious habits of its people and their social usages, were regarded with contempt by these swaggering, mailed freebooters. All who were not Normans were scorned as inferior, degraded and barbarous. The spirit of Continental feudalism was at variance with insular freedom. The very modes of warfare differed. The English,

like their ancient Northern foes, were accustomed to rely upon personal strength and courage. A trusty weapon, wielded by a stout arm, with the dogged resistance furnished by a tried shield, decided the fray, foot to foot, and inch by inch. The Norman relied mainly upon his horse: which could charge down upon the dense ranks of foot-soldiers, and could carry him off if the worst were threatened. Thus there was an essential antagonism between the two peoples. The Norman looked with surprise and resentment on what he regarded as the insolent assertion of pretended rights on the part of such an inferior order of beings as the burghers of a town like Dover, or of the English generally, who claimed the protection of ancient franchises, and who esteemed their houses as inviolable castles and sanctuaries. Such a spirit and bearing are not peculiar to one age or race.

The Normans came from the same parent stock as the Danes and the Saxons. Early in the tenth century, a Norwegian chief, Rollo, became a sea-rover, or pirate. With a band of reckless men he sailed hither and thither, attacking and robbing various coasts. Among these was France, whose King, Charles the Simple, after repeated irruptions and conflicts, was glad to purchase quietness by giving his daughter in marriage to Rollo, in 912. Charles also allotted all the land in the valley of the Seine, from the Epte and the Eure to the sea; a province afterwards known as Normandy, or the Land of the Northmen. These people acquired some importance in Europe. They were warlike, vigorous, and enterprising. They rapidly adopted the more civilized forms of life that prevailed in the Frankish kingdom; with its religion, language, and manners; but they infused into all their own splendid vitality and energy. During the reign of Æthelred, and long before the close of the tenth century, complaints had been made of the harbouring in Normandy of Danish pirates, after their swift and ferocious raids upon the English coasts. The mediation of Pope John XV. was invoked, and an arrangement made that neither country should receive and succour the enemies of the other. At a later period, during the last seven years of Cnut's reign, Duke Robert

of Normandy set up various pretensions on behalf of the children of his aunt, Queen Emma, to the crown of England. He went so far once as to collect a fleet for the purpose of invasion; but contrary winds prevailed, and as the particular place seems to have been immaterial, so long as fresh conquests were made, Brittany was attacked instead of England. Duke Robert went on the customary pilgrimage to Rome, having first, not without difficulty, induced the great men of his duchy to recognise as his successor an illegitimate son, then seven years of age. The father's violent character had gained for him in the colloquial language of that time the name of Robert the Devil. His little son, born in 1027, was already familiarly known, in the same free and expressive idiom, as William the Bastard. The appellation clung to him through life. Even in the loose conjugal relationships of that age—and those of the ducal house of Normandy were peculiarly elastic — no attempt was ever made to raise the mother of William, herself a tanner's daughter of Falaise, to the rank of wife. The accommodating morals of the period made no trouble of this, and attached no stigma to the offspring.

Duke Robert sickened and died on his pilgrimage. Anarchy at once burst out. One guardian after another of the little Duke was poisoned or assassinated. Powerful soldiers intrigued among themselves. The land was studded with castles. Law was flouted, and the rule of the strong prevailed. At length the aid of Henry, King of the French, was invoked, as the suzerain of Normandy, and the battle of Val-ès-dunes, near to Caen, was fought in 1047. This was the turning-point in the early career of the young Duke William, and led to the establishment of his authority. Subsequent outbreaks were put down with a stern and even merciless hand. It was a relentless age. Life and limb were held of no account. The hands and feet of prisoners taken in war were chopped off; their eyes gouged out; noses and ears sliced away; and other horrible, shameful, and nameless mutilations were perpetrated. At the siege of Alençon, in 1049, because the castle held out, the dismembered limbs of thirty-two captives were flung over the walls as a ghastly threat. Probably Duke William

was not worse than many of his compeers. The troubled circumstances of his childhood and early youth, acting upon a disposition imperious and stern by nature, developed a spirit that, to modern notions, seems revolting in its hardness and barbarism. There was in him a mingled strain of the buccaneer, the wolf, and the statesman. He succeeded in curbing his rude barons, and in making all his people understand that he meant to rule. He consolidated his power by a marriage with Matilda, daughter of Count Baldwin of Flanders. The rude tradition of the time said that his masterful nature compelled her consent by publicly beating her and rolling her in the dust; after repeated refusals of his suit. He successfully resisted, in 1054, the attacks of his French over-lord, prompted by jealousy of the growing power of his vassal. William had the astuteness to turn that success to account in making inroads upon Anjou. In 1060, he revived some dormant claims upon Maine; which he subjugated three years later. Thus he strengthened himself on every side, and all the time was unconsciously preparing the way for his great venture, which he seems to have early contemplated.

Nine years before, he had visited the English Court; being then twenty-four years of age. It is not known, though not unlikely, whether on this visit he formed a specific design upon the insular crown, or what private communications passed between him and his kinsman Eadward. It was afterwards alleged that the latter had then promised to bequeath the Crown to William; although the Witan would have much to say about any such arrangement; and its advice and consent were assuredly not sought at that time. The Norman must have seen enough to convince him that the country was worth winning; that the sceptre was in impotent hands; and that he might reckon upon the aid of such of his own countrymen as held high posts in State or Church in England. In the early part of Eadward's reign, and during the troublous times preceding, the actual government had rested with three great nobles, who bore the Danish title of Earls; though it was not at that time transmitted in hereditary succession from father to son. These three nobles were Earl Siward, a Dane by birth,

whose rule extended from the Humber to the Scottish border; Earl Leofric, who administered the affairs of most of the Northern districts of the old Kingdom of Mercia; and Earl Godwine, who, under Cnut's appointment in 1020, ruled in Wessex, Sussex, and Kent, or the whole of England South and West of the Thames. In addition, his sons and a nephew had charge of the Midland and Eastern districts, and his daughter Eadgyth, was married to Eadward. Thus the Godwine family exercised a wide sway, because the authority of Eadward was restricted by his semi-monkish seclusion. It is a curious illustration of the false standard of morality and saintliness then prevailing, that he is lauded as having more than the continence of a Scipio; for it is told, as a matter of pre-eminent virtue, that he abstained of set purpose from consummating his marriage. The Chroniclers fairly exult in the description of what they regard as such marvellous chastity.

After the second squabble at Dover with Count Eustache, in 1051, Earl Godwine was ordered by the King to march an army against the place, and punish the townspeople. He refused; bluntly declaring that they were in the right. This led to disputes with the Norman favourites, who seized on the opportunity to foment strife between him and Eadward. To prevent a civil war, Godwine and most of his family left the country, and passed the Winter in the Court of Flanders; then the usual shelter for English exiles. Harold, the eldest son, and his younger brother went by way of Bristol to Ireland, and found refuge with Dermot, King of Dublin and Leinster. All their vast property was declared to be forfeited, and their offices were conferred on Normans. Duke William, coming over in the absence of the Godwine family, had every reason to hope that the country might be won; but after he had left, Godwine returned, and his popularity was such that his old friends and tenants trooped around him. The army dispatched against him would not fight one who was regarded as a patriotic Englishman. Through the mediation of Stigand, the Saxon Bishop of Winchester, peace was made, and Eadward, at a Witan held in London, restored Godwine and his family to their former wealth and power. The

Normans who held lucrative offices in England were alarmed. Most of them withdrew, with such spoil as they could seize. Among them were the Archbishop of Canterbury and the Bishop of London, whose posts were declared vacant. The former office was given to Stigand; but the Pope would not own him as primate, and this gave a colourable pretext to subsequent events.

Godwine died in 1054; to the intense grief of the English people. Strong men wept around his grave in the Minster of Winchester. He was the embodiment of all that Englishmen then prized, of manliness, freedom, and justice. His memory continued to be embalmed for generations in popular story and song. Norman libellers, who calumniated him as Godwine the Traitor, had their little, spiteful day. His character has long since been vindicated. He is the precursor of Simon de Montfort, and of an illustrious line of patriots, whose names the English will never allow to die. His son, Harold (1022–1066), then about thirty-two years of age, was appointed to fill his great place, and became the virtual ruler of England until the death of the King, in 1066. He confirmed and strengthened the love of his countrymen to his family, and displayed on the battle-field and in the Court his power to govern. Earl Siward also died, and his vast rule in Northumbria was given to Tostig, Harold's brother. He was charged with governing so harshly that the people, among whom the Danish love of freedom was inherent, expelled him in 1065. When Harold marched with an army to put down the rising, he found such just cause of complaint against his brother that he advised his removal. Morkere, one of the sons of Leofric, was appointed in the room of Tostig, who retired in dudgeon and wrath to Flanders.

Prior to that unhappy event, the great house of Godwine had reached a pinnacle of dignity and power, such as was never attained before or since by one family. When Harold began to think of the Crown for himself, cannot be determined; but he must have had visions of the possibility of reigning in name as well as in fact. For a period of at least twelve years, and probably to a great extent during the lifetime of his father, Harold had exercised an actual quasi-regal

authority, if not a nominal joint rule, with Eadward. He had shown himself to be, though not of royal descent, truly regal in character and able to rule justly. Like his great father, he was a born king of men: in the noblest sense. It was reserved for a later and meaner age to traduce and vilify him, and to set up a pretended Divine Right of kingship by mere heritage and the accident of birth, apart altogether from personal character and powers of administration. In clamouring over the form, the essence was forgotten. But England and the English of the year 1066 stand forth in majestic superiority to those who rendered possible the second Stuart tyranny, with its insolent assumptions over national rights, and its conspiracy against national liberties.

Eadward's life was drawing to its close. Body and mind had long been enfeebled by his severe penances and ascetism. The death-bed scenes are minutely recorded; special details being given of supposed visions seen by the dying man, and of prophetic utterances and warnings he is represented to have made. All of these are, manifestly, apocryphal. Asked whom he nominated as his successor, he pointedly signified Harold, who stood by, and addressed to him farewell wishes and directions. He then quietly passed away, January 5, 1066, in the twenty-fourth year of his nominal reign. He was buried, as he desired, in the Abbey of St. Peter at Westminster; built and richly endowed by him, and the consecration of which he lived just long enough to witness. The original fabric has disappeared: portions of the domestic buildings only having been spared when Henry III. commenced the present structure. All that is left besides of Eadward's Minster is to be found in a few bases of columns and sundry other fragments brought to light in modern excavations. It was a massive, heavy, gloomy edifice, of the prevailing Norman type which imposed itself so largely upon English architecture for more than a century.

The two little children of Eadmund Ironside had been sent in 1017 to King Stephen of Hungary; out of the way of Cnut. One of them was still living there, and in 1054, apparently on the joint action of the King and the Witan, this nephew was invited to England. He did not arrive for three years, and he sickened and died

almost immediately; at the age of forty-one. Doubtless the intention was to arrange, as far as could be, for his succeeding to the throne; for the fact of the next legal heir being sent for—apart from the confirmatory choice of a monarch by the Witan—disposes of the pretence afterwards raised by William of Normandy; that Eadward the Confessor had promised in 1051 to make him his heir. The returned exile left a son, Eadgar, afterwards known as the Ætheling, or, "the nobly-born." An unfortunate mental weakness spared him the jealousy and danger that would have attacked a possible rival to the English throne. Two daughters also remained; but they soon drop out of history. The "spindle-side" was not then thought of in the succession. No time was lost in filling the vacant throne on the death of Eadward. The crisis was urgent, and the necessity for prompt action explains and vindicates the apparent unseemliness of performing the funeral rites of one monarch and the coronation of his successor in the same place and on the same day. The Christmas Witan was still in session. It had already, at the time of the dedication of the Abbey, December 28, 1065, unanimously declared Harold to be the heir to the throne. He rested his claim chiefly on this, and partly on the expressed wishes of the dying Eadward. No delay occurred in the coronation; which took place before the Witan was dispersed. It was performed by Ealdred, Archbishop of York. Stigand being still unrecognised by Rome, it was desirable not to risk any doubt as to canonical regularity. The only disaffection shown was by the Anglo-Danish population of Northumbria; but Harold went thither immediately with some of his most trusty friends, and by his wise conduct soon won the respect and the allegiance of the people. The real danger was threatened from abroad, in two quarters. His brother Tostig was known to be contemplating an attack upon England, aided by the soldiers of fortune whom he was collecting on the Continent, and it was impossible to foresee when or where this would be made. Duke William also was doing his utmost to force Harold to yield to his claim. Both of these storms burst within a short time.

The Norman had his friends at the Court of Eadward, who kept him informed of the state of affairs. News of the death of the late King and of Harold's coronation must have reached him at the same time. Conflicting accounts exist of how he received the tidings. He sent an embassy to England to make a formal demand of the Crown; but the terms used are not clear, and it is certain that he did not expect compliance. It was desirable, however, to give the semblance of technical legality to every step in a course of procedure long since determined upon. This was in accordance with his uniform policy through life. The Normans were great sticklers for the pedantic proprieties, in which respect they were closely imitated by the Tudors. Nothing is known of the precise character of Harold's reply. Its scope is easy of conjecture. The matter had passed far beyond the stage of negotiation. Both sides looked forward to a conflict as inevitable. William must have known all along that he had no chance of winning England for himself, otherwise than by force; but he strove to give his pretensions the appearance of right in the eyes of Europe. Hence he did everything to disparage the character and to weaken the claims of his great rival, who, though in possession of the Crown of England, was stigmatized as a usurper and an oath-breaker. The custom of applying obnoxious epithets to political opponents, and of inventing specious but untruthful party-cries, is of ancient date. An attempt was also made to substantiate the pretended right of succession on William's part, on the plea of the alleged bequest from Eadward.

The whole course of the Norman invader, and the line of defence and special pleading adopted by his apologetic Chroniclers, were skilfully designed to impart a legal and moral colouring to a flagrant instance of invasion and robbery. The plea of succession or bequest will not bear a moment's examination. Blood relationship was too remote. Nor was the kingdom a private estate, to be conveyed by the will of the last holder. The wishes and sanction of the people, as expressed in the Great Council, had been essential through a long series of reigns. Even if Eadward made some kind of promise—which is extremely doubtful, and its precise

nature has never transpired it was, assuredly, revocable, and was superseded by the subsequent bequest to Harold. In any case, it certainly was not binding upon his subjects, and they had already, in their constitutional Witan, chosen Harold as King. After William succeeded in his enterprise, he was careful not to put forward the plea of conquest as the ground of his pretended right to the throne. It was always based upon an assumed heirship, and this pretence of bequest operated powerfully at that time on the Continent, where feudalism was growing, and elective rights were weakening. To the princely and baronial robber-rulers of Europe, Harold's claim to reign solely by the popular will seemed absurd, because the law and the usage of England were unknown; or, if known, were scorned in Normandy.

Added to all this, an artful appeal was made to what is sometimes called "religious sentiment," but which is often fanatical superstition, personal selfishness, or diabolical craft. Official religion has been made to lend her sanction to atrocious injustice and wickedness in numberless forms and instances. Reports were circulated that Harold was both a usurper and a perjurer. He was represented as having deliberately broken solemn oaths. This was certain to operate to his prejudice, in that priest-ridden age. It was a hypocritical cloak for an act of fraud; just as the brigands of modern Italy go to Mass ere they sally forth to rob and murder. So far as is known of the vague circumstances, for which no evidence exists beyond that of the prejudiced Norman Chroniclers, Harold had been wrecked on the coast of Normandy some years before, and, in accordance with the barbarous usage of the times, was regarded as a captive. The allegation is that, in order to regain his liberty, he swore on a copy of the Gospels and on saintly relics to assist William to secure the English Crown. The scene is depicted on the tapestry preserved at Bayeux; once thought to have been the handiwork of William's wife, Matilda. The accounts are conflicting; but even if Harold took the oath, it must be remembered that he was in the Duke's power, and such an extorted promise is not binding. Shakspere embodies a universal truth when he says,—"Unheedful vows may heedfully be

broken." Nor could he swear to do what was wholly beyond his power; and certainly the people of England were not parties to the pretended compact. But the story served William's purpose, by arousing prejudice. Thousands of adventurers showed what good Christians they were by joining in a scheme to overthrow the power and to share in plundering the possessions of such an alleged oath breaker. It must be remembered, in estimating the worth of contemporary writers, that such of them as were monks disliked Harold, whose hand was closed against them, while it freely opened to the parochial clergy. His famous foundation of the Holy Rood at Waltham, in Hertfordshire, where he was buried, was not an Abbey, and did not become a religious house until the time of Henry II., who banished the twelve Secular Canons, and installed an abbot and Augustinian monks in their room. The clergy whom Harold appointed were secular priests, who could marry, and some of whom were married. Part of their work was educational, and the founder took special pains for this being efficiently performed. The ill-will of the monks is part of his high praise, and their denunciations, being manifestly inspired by prejudice and bigotry, are worthless.

Another part of this specious scheme of invasion was to obtain the sanction of Pope Alexander II. (r. 1061–1073) against a man alleged to have committed perjury of an exceptional and flagrant kind, and who was therefore out of the pale of the Church. The real crime in the eyes of Rome was the comparative independence of the English Church. The expulsion of the Norman prelates from the country, and the difficulty of securing from it implicit obedience to the claims of supremacy then being set up; with the hope—futile, as it proved—that the Normans would be more pliable in this respect, led the Pope and his advisers to countenance the project. A Gonfanon, or consecrated standard of purple silk, was sent to hallow the cause of fraud and rapine; and also a diamond ring, said to contain one of the hairs of St. Peter. Thus a robber raid received ecclesiastical approval as a Holy War. The end was supposed to sanctify the means: however base and sordid. It was stipulated that

Duke William should hold England as a fief from Rome, and should secure for ever the payment of Peter's Pence. The pride and pomp of Rome were at their zenith. Hildebrand, afterwards Pope Gregory VII., was the ruling spirit. He had formed a design to subject all princes to the Papacy. He was the historic representative of its temporal claims as well as of its spiritual supremacy. He laboured to separate the clergy into a distinct Order, with exclusive privileges. Born in Tuscany, in 1020, his youth was spent in a monastery in Rome. He afterwards went to the renowned one of Clugny, where his education was completed, and where he acquired the habits of austerity which marked his whole life. Becoming chaplain to Leo IX., in 1049, he was soon created a cardinal, and filled various important posts. Under the four short pontificates which followed —known in history as the German Popes—he continued to exercise the influence and to sway the councils of the Vatican, in the same way that he had done under Leo IX. He was virtually the Pope-maker of that period, as the Earl of Warwick was the King-maker during the Wars of the Roses, and was the mysterious power behind the throne. He thus paved the way for the full development of his theories, and for the attainment of his two chief objects, when he was unanimously elected by the Conclave, with the consent of the Emperor Henry IV., in 1073.

Hildebrand continued until his death, twelve years later, to struggle for the maintenance of principles and for the extension of a policy with which he believed the welfare of the Church and the regeneration of society to be bound up. The position occupied by the higher clergy as feudal lords; the right claimed by sovereigns to invest prelates with the temporal possessions attaching to their Sees; the consequent dependence of the clergy, and the temptations to simony, were, in his view, the chief causes of the evils then prevalent in Europe. He laboured to enforce the observance of discipline and to repress abuses; but he regarded the investiture of prelates by monarchs as the source of the evils. He at once prohibited this practice, under threat of excommunication, which he proceeded to fulminate against several

bishops and councillors of the Empire. As the Emperor Henry IV. disregarded these menaces, and took the offenders under his protection, he was cited to Rome to explain his conduct. The answer was a haughty defiance, and a formal deposition from the pontificate. Gregory retaliated by excommunication. His proud opponent was forced to yield a feigned submission, and to perform a humiliating penance, ere he was absolved by the Pope in person in January, 1077. Hostilities soon broke forth again between the two potentates. Neither would concede the point at issue, though Gregory was driven from Rome to Salerno, where he died.

His policy was continued by his successors; few of whom, however, equalled him in boldness and ability. Even those who most strongly reprobate his scheme as inimical to the rights of humanity, confess that the conception was grand and lofty. The spiritual power was to be the first and highest. It was to direct and command the temporal power. In the hands of wise and good men, it might have been productive, in that hard and cruel age, of benefit to the defenceless and the oppressed. But in other hands it was certain to become an engine of tyranny and a means of corruption. In any case, it was a preposterous authority to claim, and one that it would have been dangerous to yield. The bolts of the fabled Jove were nothing to those hurled by the Vatican. Happily for the future of England and of the world, the ambitious project, after being nearly successful, utterly collapsed. With such a puissant ally as Hildebrand, acting through the nominal occupant of the Papal chair, William was placed in a most advantageous position in the eyes of Christendom. In the end, he showed himself to be anything but a docile son of the Church, and he succeeded in holding his own against the priesthood. After his death, a prolific source of trouble sprang up for England during many years, from the seeds of ecclesiastical interference sown by his arrangement with Rome.

Thus everything was done that personal greed, military ambition, diplomatic intrigue, and priestly craft could devise to give a colourable pretext to the contemplated attack. None of the assigned reasons possess much force

when separately examined. Some of them were altogether beside the mark. Others were entirely fallacious and misleading. The whole structure was carefully put together, and made to appear substantial and strong; although, like stage architecture, it was baseless and illusory. While all these ecclesiastical fulminations were being launched for the sake of appearances, the arm of flesh was made as strong as possible. The real appeal was to selfishness and greed. Duke William had not a little trouble at first with his own barons. They had no compunctions on the score of equity; but the enterprise seemed hazardous, if not impossible. There were long, anxious, and angry debates, many blandishments, some threats, much cajolery; but, at length, the hope of plunder and abundant promises of reward gained the day. Besides seeking the aid of his own baronage and the sanction of Rome, he issued his Ban of War in the neighbouring countries; offering large pay and license to pillage to every tall, strong man who would serve him with lance, sword, or cross-bow. Europe swarmed with thousands of armed ruffians—"soldiers of fortune," as the phrase went—ready to fight anywhere, for any cause, and for any one who paid enough. They were called in the following century, Brabançons — from Brabant, the great nest of these hired banditti—and were the precursors of the Italian Condottieri of the fourteenth century. Crowds of such swashbucklers offered their services to the Norman adventurer. A rich carcase awaited the hawks and vultures. All the titled brigands, the professional adventurers, and the military vagabonds of Western Europe trooped to Normandy, scenting the prey. Some were knights and chiefs, others were foot-soldiers, and many were the stragglers, the scum, and the rascaldom who always hang upon the skirts of armies, preferring the excitement of a predatory life to the sober toil of honest industry. Some demanded large pay; others only asked for a passage across, and leave to take all the booty they could.

It is an idle fiction to say that the undertaking was distinctively Norman; just as it is to pretend that its leader was seeking only his legal rights, or prosecuting a pious adventure. His attempt was nothing more than a

bold military raid by a huge gang of miscellaneous free-booters, which chanced to be successful under favouring conditions. Had it failed, he would have been spoken of with contempt and scorn. As he succeeded, he won all the praise which success usually commands. Out of it, through Providential wisdom and goodness, much benefit accrued eventually; but, in its inception, it was nothing more than a scheme for conquest and plunder, carried on under false pretences. The Bayeux Tapestry depicts the comet that appeared at Easter, 1066, filling Europe with astonishment or alarm at the portent. Wace, the Norman Chronicler, describes it as "shining for fourteen days, with three long rays streaming towards the earth, and a star as is wont to be seen when a kingdom is about changing its king." It is now commonly supposed to have been Halley's Comet, which appeared in 1835: its average periodic time being seventy-seven years. During the Spring and Summer of 1066, preparations actively went on. Arms were fabricated and repaired. Military stores were collected. Vessels, great and small though the largest were insignificant compared with modern craft—were hired, borrowed, or annexed for purposes of transport; rivalling the bridge of boats by which Xerxes crossed the Hellespont. The mouth of the River Dive, not far from that of the Seine, was fixed upon for the rendezvous. The actual point of departure, however, was from Valery, near the mouth of the Somme; as contrary winds prevailed at the time of starting. As to the precise numbers forming the expedition, the usual uncertainty prevails, owing to diverse statements. The fleet is reckoned by various writers at from six hundred and ninety-six ships to more than three thousand; but the latter estimate must include every little boat, and it is certainly exaggerated. The army assembled is made to range from fourteen to sixty thousand, and even more. Of actual knights or fighting men, the reasonable approximation is to the smaller number.

Harold was not idle during the Spring of that eventful year. He made every preparation to hinder the threatened landing. Ships were kept in readiness to guard the Channel. As the time drew near when the invasion was certain to be attempted, he went into Sussex to complete

the arrangements for watching the coast. Returning to Westminster in May, he heard that his brother Tostig, at the head of a number of Flemish and other freebooters, had made a descent on the Isle of Wight, whence they sailed as far as Sandwich, landing and ravaging as they went. This was done with the knowledge if not at the direct instigation of the Norman Duke: glad to secure the help of a recreant Englishman. Before Harold could reach Sandwich, Tostig had sailed northwards, entering the Humber, and inflicting much damage, until he was repulsed by the local forces. He then made a league with the Norwegian Harold of the Heavy Hand, who undertook the conquest of England in the hope of becoming its king. The Summer was spent in preparations, and in September a fleet variously stated at from two hundred to a thousand ships, set forth from Norway, near Bergen. It was the greatest, as it was nearly the last, of the Scandinavian inroads upon this island. The traitor, Tostig, joined the fleet in the Tyne with such forces as remained to him. The coast of what is now known as the Cleveland district was ravaged. Scarborough was fired and plundered, as a punishment for resistance. The fleet sailed up the Ouse as far as Riccall, nine miles from York, upon which the main body of the invaders marched. They were encountered, in a half-hearted manner, by Harold's brothers-in-law, the Earls Eadwine and Morkere, who ruled Northumbria and part of Mercia. A battle was fought at Fulford, two miles from the city, on September 20, 1066. The English were defeated. Four days later, York surrendered. Tidings of this invasion reached Harold, who instantly addressed himself with his usual promptitude and courage, before news of the actual encounter was received, to meet the danger. Gathering his best troops he set forth on that great march which, with the subsequent battle, are as deserving of immortal renown as the Retreat of the Ten Thousand Greeks under Xenophon. Nothing but the swift occurrence of the more momentous Battle of Hastings could have eclipsed the glory of this Northern exploit. The force was increased on its march by fighting men who poured in from all sides. On the very day of the capitulation of York, Harold reached

Tadcaster. The Norwegians withdrew to Stamford Bridge; eight miles North East of the city. Harold followed them, and there, on Monday, September 25, 1066, after eight hour's hard fighting, and tremendous slaughter on both sides, but especially on that of the invaders, they were utterly vanquished. Both Harold Hardrada and Tostig were among the slain, and the bones of the dead whitened the ground for years. The survivors, after swearing peace and friendship, were allowed to depart for Norway in twenty-four ships, which sufficed to carry away the wreck of the once imposing host.

During this march and battle, the Norman force was kept inactive at its new quarters in the mouth of the River Somme, by reason of adverse winds. After repeated hopes and disappointments, the desired wind wafted the fleet across the Channel. The Norman Chroniclers narrate with pride and admiration an instance of their leader's promptitude and readiness, which bears a suspicious resemblance to what is recorded by Suetonius of Julius Cæsar on his landing in Africa. He chanced to stumble and fall on the sands when alighting from his ship. This would have been interpreted as an evil omen in those superstitious times: but he sprang to his feet, with his hands full of sand, and declared that he had taken seizin, or possession of the country. The landing took place at Pevensey, in Sussex, the ancient Anderida, on Thursday, September 28, 1066. The news reached Harold, at York, where he was resting his men. He at once set out for London, with the indomitable energy that formed so conspicuous a feature of his character; issuing orders on all sides for troops to follow him with speed. The response was general and prompt, except from the Earls Eadwine and Morkere, who seem to have been influenced by jealousy. Their incompetence lost the battle of Fulford; and their inertness led mainly to the disaster in the Battle of Hastings.

If the Normans had been able to sail at the appointed time, they would first have met the English ships cruising in the Channel, and then would have found Harold with a large army ready to dispute their landing. A week or two before or afterwards there would have been

a determined resistance that might have proved successful, and thus altered the future of England. Owing to the delay in the Norman arrival through contrary winds, the English ships had gone to various ports to obtain necessary stores, and the attack in the North had compelled Harold to march thither with his best available troops. The others had been called home by the exigencies of harvest. The period and the conditions of military service, it is needful to remember, were undefined; because a national army, in the true sense, did not exist. Thus the way was clear for the Normans to land without effectual opposition. They made no attempt at first to advance into the country beyond the neighbouring town of Hastings, where, with their customary precaution, a strong wooden castle was hastily built. It was expected that Harold would soon offer battle; for his absence in the North was unknown when the expedition sailed. William resolved to await an attack; which he did his utmost to provoke by wanton havoc.

Harold reached London on the fifth of October; only ten days after the Battle of Stamford Bridge, and a week after the Norman landing: an extraordinary march under the circumstances. He waited for six days while troops came in; hoping also for the northern levies which the two Earls treacherously kept back. Apart from them, there was no lack of enthusiasm and patriotism. Norman tales to the contrary, alleging also cowardice, profanity, and revelry in the English camp, may be dismissed as absolute falsehoods; invented for an obvious purpose. The actual strength of the army with which Harold marched from London is not known. The usual guesses and exaggerations are made by various writers. Some English Chroniclers gently censure him for not waiting longer, until others had time to join his standard. Nothing is more easy than to criticise generalship. Onlookers always see better moves in a game of chess. Arm-chair politicians and able editors are apt to pronounce dogmatic judgment upon military movements thousands of miles away. Harold could not remain inactive in London while every hour brought tidings of what his people in Sussex were enduring from the brutality of the invaders who were ravaging and destroy-

ing the district. Moreover, so far from being precipitate and reckless, he judged that he had a force adequate for the special enterprise which he contemplated. He was an experienced and a consummate general, and the event proved that his plans were carefully laid. After a vigil in and fresh gifts to his church at Waltham, he set forth, on Wednesday, October the eleventh, to encounter the foe, in no vaunting spirit, yet strong in the justice of his cause; encouraged by his recent victory, and reasonably expecting that by a bold and skilful attack he might check a further advance. He resolved to accept the challenge of battle given by William, but to do so on ground chosen by himself. Instead of directly attacking the Normans in their intrenched camp, as they expected, he, knowing his own purpose, and with the eye of a tactician, took up a strong and almost impregnable post on a spot of high ground, then known as Senlac, about seven miles from the modern town of Hastings. There he awaited the Normans; and there, on Saturday, October 14, 1066, the great and decisive battle was fought. The precise spot is marked by Battle Abbey, which William afterwards caused to be built. The English called the struggle the Battle of Senlac. At a later period it came to be known by the present name; Hastings being the nearest place of note.

Norman writers describe the scene with much jubilation; but their accounts must be read with reserve. They cared only to glorify their party, while depreciating and misrepresenting the other side. The battle began at nine in the morning. For six hours the English defended themselves bravely. Again and again their assailants were driven back. The policy of Harold was for his men to hold their ground in close formation; doggedly resisting all attempts to break their ranks. Seeing this, William ordered his force to pretend to flee, and the scheme drew many of the English after them, in spite of the strict directions. The sham flight was suddenly stopped, and the Normans turned upon their pursuers, who were somewhat disordered and exhausted. Great bravery was shown on both sides, but the numbers of the Normans gave them an advantage. They pressed on towards the spot where Harold's standard was set up, and where he

was fighting on foot at the head of his housecarles. In one of these hot contests he was slain. A device adopted by the Normans was to shoot flights of arrows into the air. One of these arrows in its fall pierced the right eye of Harold; disabling him by the acute agony. His personal followers did their utmost to protect him; but in the hand-to-hand encounter he was overpowered and stricken down. His body was horribly mutilated. Four Norman knightly butchers are known to have shared in this infamy. One of them was the brutal Count Eustache of Boulogne, whose wanton attack upon the citizens of Dover led to the exile of Godwine and Harold, and who now glutted upon the corpse his thirst for vengeance. The mangled remains were buried beneath a cairn of stones, but were subsequently removed to Waltham.

After Harold's death, the English bravely fought on until the day waned; and then, all who could, left the fatal field. The rank and prowess of South and Mid-England perished there. Harold's two brothers, Gyrth and Leofwine, with many other leaders, were among the slain. Nor did the conqueror escape without paying a heavy price. He lost, it is said, more than fifteen thousand men, which must include camp-followers; quarter being neither asked nor given, and no captives being taken. All the Norman historians speak of the valour of the English, and admit that victory was won only by great efforts on the part of the stronger force. Dire was the dismay in the country when the result of the battle was known. Though the loss was severe, the fortunes of the day might have been retrieved if Harold had survived, or if another great noble could have rallied the people around him. There were also in the Northern districts enough armed retainers to oppose the Normans. As it was, William did not for five years obtain control over the whole country. It is evident that many of the people had lost none of their ancient spirit. Harold's brief rule showed his desire to bring the nation up to the ideal of what was really great and good. Perhaps, for the sake of his own fame, it was well that his life ended when and how it did. England needed the introduction of new and strong elements before the national life could become high, noble, and vigorous. The Nor-

mans supplied such qualities as the power of organization, the sense of law and method, and the genius for enterprise.

Of the popular attachment to Harold there can be no doubt. Contemporaneous evidence is conclusive; notwithstanding Norman mendacity. After his death, no effort was spared to vilify him by those to whom his name and deeds were a reproach. All their allegations may be dismissed as absolute fabrications. True, his reign endured only for nine months; and these were full of trouble and perplexity. Yet his memory is fragrant: and his renown rests upon the long and able rule, as Earl, that preceded the brief kingship. Lord Lytton has embodied the conception in his historical romance of 'Harold.' A parallel exists in the case of the great Protector, Cromwell. Hated and traduced for generations by Court sycophants, he, too, has now taken his rightful place.

This terminates what may be fairly described as the period of Inception; yielding to a series of Struggles for Liberty.

Period II.—STRUGGLES.

A.D. 1066–1216.

Chapter.

7.—Norman Infusion and Feudalism.

8.—King and Church.

9.—Social Glimpses.

10.—Constitutional and Legal Developments.

11.—The Church or the State.

12.—Regal Tyranny and Exactions.

13.—The Great Charter of Liberties.

CHAPTER VII.

Norman Infusion and Feudalism.

A.D. 1066–1086.

Various writers of authority have pointed out that the commonly-accepted title of William the Conqueror was not used until some time after his death. The phrase is scarcely worth contending over, save for the fact that it is usually understood as meaning what never took place. Instead of England being subjugated, in the ordinary sense of that word, it absorbed and assimilated the dominant race. It is the more important to keep this in view, because, in the Norman Chronicles, and in the legal documents of the time, the reign of Harold is ignored, or is treated only as a usurpation. In like manner, the Stuart Restoration of 1660 was assumed, by a monstrous legal fiction of that day, to be the continuation of a reign beginning in 1649, and the intervening Commonwealth period was treated as non-existent. In the case of the Normans, the fraud was twofold. William assumed the character, not of a conqueror, but of one merely claiming his own, as the lawful successor of a long line of kings, and as chastising those who resisted his just rights. Yet he was too shrewd to suppose that the English nation would at once submit to what they regarded as foreign rule. Very much had to be done ere the whole of the country was subdued. It was a slow and a hard task. Successive struggles in which he engaged were really wars levied by a foreign prince against a people who fought for their liberties. There was no lack of proper spirit among the English of that day, and their descendants may be justly proud to speak their language, to dwell in their land, to enjoy their ancient franchises, and to be ruled to a great extent by their laws.

After the Battle of Hastings, and as soon as his troops had recovered, William marched to Dover; intending to lay siege to it. The place was yielded through treachery, and given over to pillage. The sacking of a town means violence, murder, robbery, plunder, destruction, fire,

brutality, lust, and diabolical wickedness of all kinds. Such scenes have occurred within living memory. They often took place in England during the early part of the reign of William I. His followers were rough, greedy, cruel adventurers, whom he could not restrain. If he had tried, they would have turned against him. Numbers went back to their respective countries, or sallied forth in search of other raids, when they had taken enough booty, or when they became weary or dissatisfied. Not for some years was he able to control the violence of those who remained, and they were a constant trouble to him. Many had no intention of permanently settling in England. They came over to assist him for a time, in hope of substantial rewards, and they wanted to return as soon as possible. Until his power was fixed, their aid could not be dispensed with. In order to retain a sufficient number, he made costly presents out of the spoils taken in battle, out of property seized and confiscated, and out of heavy imposts which the English were compelled to bear. Nor had the early successes been won without great disaster on the side of the victors. To supply the places of the many who fell in battle and of those who re-crossed the Channel, other bravoes and mercenaries arrived during the winter of 1066; for the news of good pay and of probable plunder spread far and wide, among the lairs and dens of these human wolves. More Normans, Flemings, Poitevins, Angevins, Bretons, and others as needy and as greedy, trooped over. Men who had been poor and ignoble, suddenly became rich and great. Those who came only for a time, received money, jewels, horses, and arms in return for their services. Those who came to stay, had manors, villages, and towns given to them, and made what they chose by extortion and oppression.

From Dover, William and his army proceeded to Canterbury, where sickness detained him for a month. Thence he marched towards London; burning, destroying, and murdering. As the citizens gave a severe check to the advanced guard in Southwark, and as it was doubtful whether the place could be taken without great loss, he diverged through Surrey and Berkshire to Wallingford, where he crossed the Thames and went to Berkhampstead. The object was to surround the city

with a broad belt of desolation. He knew also that the Londoners were divided among themselves, and that the city contained Norman emissaries and conspirators, besides traitors who had been bribed to admit his claims and to promote his designs. The two Earls, Morkere and Eadwine, had tardily arrived there, and they favoured Eadgar Ætheling as the heir to the Crown. He was chosen in an informal Witan, hurriedly convened; but does not appear to have been crowned. Most of the citizens, while prepared and eager to fight, were jealous of the power of the two Earls, who had given too much cause for suspicion. None knew to whom to look for leadership. Meanwhile, the place was being surrounded: supplies were cut off; and tidings came of the brutal doings of the foreigners. The object was to arouse terror. As a result, the principal nobles, clergy, and citizens went separately or in small groups to Berkhampstead, and made submission on the best terms they could. Among them, was the half fledged King Eadgar, whose empty dignity of a few days thus terminated. William received the deputations graciously, and promised his favour. He was invited, in some unknown fashion, to assume the title of King, and to enter the metropolis. Before doing so, he sent a number of his people to build a strong wooden fortress, on the site where the Tower of London now stands. When built, he took up his abode in it.

The coronation was fixed for the Christmas festival. It took place at Westminster; Ealdred, the Northern primate, performing the rite according to the ancient usage. During its progress, the Norman soldiers attacked the people outside, and the adjacent houses. Under the pretence—so often invented in similar circumstances by rampant militaryism—that there had been a threatened riot, they began to murder, rob, and burn. One explanation is that the immediate occasion was the shout of the multitude when they replied to the customary question, whether they approved of the new monarch. The shout thus raised was supposed by the Normans to forebode an attack. Unfortunately, however, for this theory, their conduct in all parts of the country showed that they regarded the people as fair game for assault, and their property as spoil for military thieves. Their

conduct was not without its use, in inspiring terror. Shortly after the coronation, a searching inquiry was made as to those who had assisted Harold, and their property of every kind was confiscated. In return for costly gifts made by the citizens of London, with a view to secure favour, he gave them a quasi Charter in the following words:—"Learn all what is my will. I fully consent that all of you enjoy your national laws as in the days of King Eadward. Every son shall inherit from his father after his father's death. None of my men shall do you any wrong." The original of this, a strip of parchment seven inches by two, is still preserved among the ancient records of the City of London at Guildhall. The Charter confers no corporate privileges. It is meagre and vague in the extreme. The chief importance attaching to it is the continuance of the personal rights which existed formerly.

The state of affairs in Normandy compelled William to return thither for a time in March, 1067. He had been in England barely six months, and he merely held by force of arms the district extending from Kent to the borders of Dorsetshire and Somerset, with Essex and portions of Suffolk. Even this was not wholly subdued, but was kept in awe by bands of soldiers and by wooden castles hastily built. Devon and Cornwall remained untouched, as did the great Midland and Northern counties. He took with him to Normandy, Eadgar Ætheling, the Earls Eadwine and Morkere, Archbishop Stigand, and other nobles; to prevent their heading a rising in his absence. He also carried away great treasure in gold, silver, jewels, and embroidery, in addition to what had been already divided among his followers. His half-brother, Odo, Bishop of Bayeux, and William Fitz-Osbern, created respectively Earls of Kent and of Hereford, were left as Regents. Their harsh rule nearly lost all that had been acquired. In order to amass wealth for themselves, they mercilessly oppressed the districts loosely held by the Normans, and goaded the people into a resistance that caused five years of war, and hardship, and misery. The English would not tamely submit to injustice, robbery, and insult. They attacked small parties of their tyrants; and the spirit aroused was so

fierce and threatening that the Regents became alarmed, and sent urgent messages to William. On his return in December he marched to the West of England; partly, to avenge himself on those who had asserted their rights against the cruelty of his people; and, partly, to extend his authority over the districts which had not yielded. He prepared for that struggle which was to fix him on the throne, for he was not the man to shrink from any means, however harsh and cruel, that would accomplish his purposes.

The line of march was a trail of woe. Exeter was besieged for eighteen days, and was only captured by treachery. As usual, there was wanton destruction of houses and of property that could not be carried away, and a wanton butchery of those who had defended their rights. A castle was built to overawe the city. During its erection, the army marched into Cornwall; ruthlessly trampling down and stamping out all opposition. The usual policy of confiscation was pursued; opening up new fields for rewarding the services of foreigners. Proof of the havoc committed incidentally appears in many places in Domesday Book; compiled less than twenty years later. Thus, at Dorchester, one hundred and twenty-eight houses out of one hundred and seventy-two, were destroyed, either by fire or by being pulled down; at Wareham, a hundred and fifty out of two hundred and eighty-five; at Shaftesbury, eighty out of two hundred and fifty-seven. In subsequent raids, as at Ipswich, of five hundred and twenty-eight houses, more than three-fifths were wasted. Thetford had two hundred and twenty-four empty or desolated houses. Similar pitiful records appear of many other towns. Fire, pillage, and sword made short work of resistance. Where none was attempted, the people seldom escaped. The object was to intimidate and to subdue. No necessity existed for such a reign of terror in Kent. The flower of its manhood had fallen with Harold, and the remainder had become a prey to the rapacity of Bishop Odo. The whole of that rich county lay ready for confiscation. Surrey and Sussex were in a plight nearly as helpless. Domesday Book shows that scarcely any English tenants remained in those districts.

The turn of the North of England was now to come. Earl Eadwine had been promised William's daughter in marriage, as a reward for his submission. This promise was not kept; and in the Summer of 1068, he withdrew to Northumbria with Earl Morkere; resolved, too late, to oppose the extension of Norman rule. The Midland districts had not yet been subdued, and not a single Norman had penetrated beyond the Humber. Crowds flocked to the standard of the two Earls. Patriots from the South also went to join in the struggle. William collected his army, and marched to Oxford; capturing it after a brave defence, and punishing with fire and murder the bold resistance of the inhabitants. Of seven hundred and twenty houses, more than one-half were burned. Leaving a garrison, he proceeded to Warwick, and thence to Leicester. Both places were destroyed. Derby and Nottingham were captured and devastated. He then marched Northwards, and fought a battle with the English at a spot where the Ouse joins the Humber. After a hard contest, he won the day; not without great losses. The English withdrew to York; but that city was carried by assault. Men, women, and children were slain without mercy. The houses were stripped and fired. The customary castle was built, and another one subsequently. The services of the English were always largely impressed by force and threats in rearing these structures. Every commanding point was occupied by a lofty and massive citadel, to overawe the district and to protect the garrison. Of the people who escaped during this marauding and murdering expedition, many fled to Scotland, where they were welcomed by Malcolm the Third. Others retired into the dense woods and forests of the Northern and Midland counties, or into the fens of Lincolnshire and Cambridgeshire.

A garrison of five hundred picked men-at-arms, with numerous attendants, was left at York, while William returned towards Lincoln. This place, from its elevated position, was then one of the most important in the country. It contained eleven hundred and fifty inhabited houses. The people were mostly of Danish descent, and had always maintained a virtual independence. The city was captured; a hundred and sixty-six houses

were pulled down or burned, and a strong fortress was raised. Hostages were carried away to ensure good behaviour, and to prevent a possible conspiracy with the kindred Danes over the sea. The other men of the Danelagh, fearing that their part of the country would soon be assailed, sent to their friends in Denmark: by whom an army was despatched on board two hundred and forty vessels. After attacking various parts of the Eastern coasts, a landing was effected in the Humber, in September, 1069. There they were joined by numerous English fugitives. York was attacked; its castles taken and pulled down; and three thousand Normans were slain. Twelve hundred who had gone to Durham were repulsed, and most of them were killed. If the Danes and the English had marched Southwards, the entire population would probably have risen; but, satisfied with past success, they went into winter quarters, giving William time to mature his plans. The old curse of England still prevailed: in divided interests. The Danes thought that Swegen, son of Cnut, should be the future ruler. The English were in favour of Eadgar Ætheling. But there was no competent leader, and resistance proved abortive. The two Earls, cravens and traitors by nature, made their peace once more with William, but in 1071, after other vacillations, they finally were routed, and Eadwine was slain.

William's immediate policy was to bribe the Danes to depart. Then he set out from the West of England, at the head of a large body of his best soldiers, and after sternly suppressing local outbreaks in Staffordshire, arrived at York. The castles were reconstructed; and all the English who could be found in the neighbourhood had to labour for many weary weeks at the buildings. While this was being done, the King and part of his army entered upon a systematic course of vengeance in cold blood. It is impossible to acquit him of a deliberate resolve to root out the people who had given him so much trouble by their bravery and patriotism. He sent troops all over the wide district between York and Durham, with orders to spare neither man nor beast, and to destroy houses, implements, food, and everything that could not be carried away. For nearly

a century, not a patch of cultivated ground was to be seen in the whole region. It was a literal wilderness-strewn with blackened ruins. In the entries in Domes, day, the word "waste" continually occurs in the description of what is now North Yorkshire; a mute testimony to the ruthless raid.

More than one hundred thousand persons are said to have perished, either by the sword or by famine; probably, like other definite statements of numbers, an exaggerated estimate, but the destruction was certainly great, terrible, and wanton. This black deed occupied the remainder of the fine season of 1070. Christmas was spent in York; and in the following March William led his troops, amidst storms of snow, sleet, and hail, to the district between the Tyne and the Tees, which was harried in like manner. He next forced his way over the wild, hilly region to Chester, which he took, after hard fighting; and, as usual, built a fortress. The city and the country adjacent were laid waste. Thence he marched to Stafford, and on to Salisbury, where he sent away those of his mercenaries who had tired of the work of butchery, or who had gleaned sufficient spoil; and went to his favourite residence at Winchester. One of the measures adopted when many Normans fell victims to popular hatred and vengeance on account of their brutalities, was an order that any man found killed was to be regarded as a Norman, and the Hundred was made liable for a heavy fine, unless it could be shown that the person slain was an Englishman; the burden of proof being cast upon the locality.

The last resistance took place in the fen districts of Cambridgeshire and Lincolnshire. In those regions of bogs, marshes, and meres, were the Isles of Ely and of Thorney, where, as at Peterborough and at Croyland, wealthy abbeys had been long founded. The monks, being Saxons, favoured the patriots. With them the descendants of the old Danish settlers fully sympathised. To this swampy region many fled from other parts, so that it came to be a camp of refuge where the final stand was made for liberty. Their leader was Hereward, England's Darling, as he was termed; a somewhat legendary but beloved hero, whose name and deeds

were kept alive in popular ballads and traditions, sung and told for many a year. Charles Mackay has made them the theme of his 'Camp of Refuge,' and Charles Kingsley in 'Hereward the Wake.' All the attacks made by the Normans upon the numerous bands of fugitives in the fens proved fruitless for more than two years. There was no scarcity of food, for the rivers and meres gave an inexhaustible supply of fish, and wild fowl were caught in abundance. Other things were easily procured in the surrounding country from secret friends. Not until William had lost great numbers of men, and engaged in many weary and dangerous conflicts, was he able to subdue the Last of the English and his brave followers. They saw that further resistance was hopeless, and either escaped abroad or made their peace with him before the close of 1071. Thus, after five years of carnage, incendiarism, confiscation, and ruthless brutality, the Norman rule was set up over nearly the whole of the dominion of the old English kings. The Welsh long defied the Norman power amid their mountain fastnesses. The country was kept quiet by military force. What was said by Tacitus, and was also said of a modern Russian despot in his treatment of Poland, was true in this instance,—"He made a desert, and called it peace."

The various outbreaks had involved most of the owners of land, and forfeiture was carried out against them with the utmost rigour. Their estates and property were either retained for the King's use, or bestowed upon his insatiable followers. Mere suspicion was enough. It was a crime in an Englishman to be rich, or noble, or powerful. This policy caused a total change in the ownership of land. Ancient and honourable English families were brought to beggary; were treated with contempt and insolence; and had the mortification of seeing their houses and manors taken by Normans of mean station, and their sisters and daughters forced to marry persons whom they despised. In the division of the spoil, the interests of the Crown were not forgotten. The King retained fourteen hundred and twenty-two manors, besides a number of forests, chases, farms, and houses in all parts of the country. He gave liberally, but with cheap magnanimity, as is the custom with

regal spoliators, to those who came with him across the sea; but took care to diffuse their holdings; as Cleisthenes scattered the demes of the Athenian tribes. His sister's son, Hugh d'Avranches, received the whole county of Chester, with the title of Earl, and large properties elsewhere. By his tyranny and cruelty, this man earned for himself the opprobrious epithet of Hugh the Wolf. Robert, Earl of Montaigne, half-brother to William, received nine hundred and seventy-three manors. Another half-brother, Bishop Odo, a militant prelate, more at home in the battle-field than in the church, had four hundred and thirty-nine. All the principal leaders were similarly rewarded; and thus the fair realm of England was overrun and partitioned.

The actual number of Normans who settled in this country is only known from the record in Domesday Book, which shows that the commonly received estimate is inaccurate. The greater barons and the courtiers were Normans; but troops of their associates had re-crossed the sea with the wages of iniquity and the spoils they had gained. Of the inferior barons and knights who remained, many, if not most, peaceably settled down, marrying English wives. Long before the close of the twelfth century their descendants of the second and third generations showed themselves to be as patriotic as the original English. John of Brompton recites, in contemptuous fashion, in his Chronicle, the appellations of many who crossed over with William the Vigorous, and who bore only the names of Continental towns and districts. Defoe's trenchant satire of 'The True-Born Englishman,' making allowance for inevitable caricature, is no fancy picture of the rabble rout that attended the men-at-arms. The roll of Battle Abbey contains fantastic descriptive names; as Trousselot, Troussebout, Longue Epée, Œil-de-bœuf, and Front-de-bœuf. It was supposed to be an authentic record of those who came over from Normandy. It is now known to have been repeatedly enlarged in later times, in order to gratify the vanity of those who wished to date back their ancestry. No renown, however, can possibly attach to descent from the original banditti who came like buzzards eager for their prey.

The common boastfulness of Norman descent has nearly died out; excepting among the vulgar newly enriched and ennobled. It never was true. The original stock soon became extinct; leaving no direct representatives. Comparatively few in number, they were, like every military aristocracy, prone to decay. The Nemesis that tracks murder, avarice, cruelty, and every species of wrong-doing, followed them inexorably. Their sons perished in rebellion and civil wars, or made childless marriages for the increase of inheritance, which passed to remote heirs or was escheated to the Crown. The Norman names borne in the later Middle Ages were a second crop, with a large English infusion. Of six hundred titled families now existing, only five go back without a break and in the male line to the fourteenth century. Among the untitled landed gentry, owning three thousand acres or more, only eight can trace ancestry to those who owned as much in the time of Elizabeth. The oldest dukedom is that of Norfolk, ostensibly dating from 1483: but there was a suspension of the title by the attainder of its solitary holder under Henry VIII., and Elizabeth refused to revive it. For the greater part of her reign there was no duke in England. Nor did the dignity ever exist in this country in the earlier Continental sense. The Black Prince was the first to bear the nominal title, in 1335, and down to the time of Henry VI. it was confined to the reigning family. The oldest earldom is that of Shrewsbury; conferred in 1442. The premier marquisate is Winchester; in 1551. From a year earlier dates the origin of the title of Viscount Hereford. Five existing baronies date back to the thirteenth century: de Ros, Hastings, and le Despenser, from 1264; Mowbray, from 1281; and de Clifford, from 1299. Only eight others have their origin in the next century. Of living English peers, only thirty two, of all degrees, trace their titles to a date prior to 1600.

Out of all the sufferings, the struggles, and the wrongs above recited there came, in the end, much that aided the future growth of England. While the strife lasted, the misery and the injustice were acute; and it is

impossible to avoid pronouncing a severe judgment on their author. Yet it must be remembered that England at that time had probably about one million of inhabitants, and it was not possible for these to be wholly rooted out, or greatly and permanently changed by the sixty thousand Normans and others who are said to have come over during the Conquest and shortly afterwards; even if most of them remained. The turbid Rhone pours into and passes through the Lake of Geneva; the stream remaining distinct in its course, and not mingling with the limpid blue waters of the Lake. Unlike this, the Normans blended with and became an essential part of the English stream; so that in the course of a few generations it was impossible to distinguish between them Consentaneously, as Mr. Freeman points out, there was a gradual commixture of institutions, laws, and methods of procedure. The orderly strength, the wider scope, and the greater adaptation of the Norman mechanism of government were added to the former local and provincial organism. The Englishman had been isolated from other peoples. His ideas and sympathies were restricted. There is a measure of truth in Carlyle's sententious comment, quoted before, that the pot-bellied equanimity of the Saxon needed the drilling and discipline of a century of Norman tyranny.

It is a mistake to suppose that for a lengthened period a broadly defined line of distinction between the two races was recognised on both sides. Sir Walter Scott is largely responsible, by his romance of 'Ivanhoe,' for this notion, which is contrary to all known testimony. Thierry perpetuated it in his work on the Norman Conquest; which is also largely romantic in its details, and unphilosophical in its general treatment. Even such an author as Gneist is not free from this historical heresy. The influence of romance-writers and of historical novelists is traced in the eightieth Chapter. It is certain, and it is needful to repeat, that before the close of the twelfth century an actual though silent fusion was taking place between the people of Old-English descent and those of Norman descent. All of them had come to regard themselves as English. The process is not noted in the records of the time, because it was gradual; but

the results are visible and abiding. A mutual education was being carried on by means of public, commercial, and social affairs; and by the struggles waged with rulers who were foreign to both English and Normans. Time smoothed down the asperities between the two branches of the same parent stock. Before the death of Stephen, only eighty-eight years after the Battle of Hastings, all distinctions had practically ceased. The wall of separation was not only broken down, but was being carried away.

It is impossible, therefore, to draw a rigid and arbitrary line, and to say with precision that certain institutions and usages were Norman, and that others were English. Some are known to be direct importations, but others were gradually altered or enlarged to meet new conditions. Authorities differ; and, it must be added, constitutional writers do not always discriminate between ascertained facts and statements more or less conjectural; or between the former and inferences or theories derived therefrom. It was a time of growth and transition. The continuity of the national assemblies remained unbroken. William I. sought to perpetuate ancient customs, and he retained many of the ancient Courts of Justice; both being modified, in some respects, under pressure of circumstances. Monarchical absolutism aroused a spirit of freedom which might have remained dormant under a milder rule. When the day of awakening came, the natives found worthy comrades and able leaders in the descendants of the aliens among whom their ancestral lands had been divided, and whose sympathies and aspirations were as truly English as those of the sons of the soil. Gradually there arose also in the foreign settlers and their children a spirit of nationality and a love for the land of their adoption. The conquered gave laws to the conquerors, as Seneca remarked of the Jews in Rome. Two peoples, sprung from the same original stock, were amalgamated. From this union, with subsequent importations, sprang the England and the English of the present day.

No proof exists of what Hume and other writers have alleged, that William tried to supplant the native speech, and to compel the use of Norman-French. No formal attempt of the kind was made; nor was it practicable;

but a natural and gradual change was effected in the course of years. William himself tried to acquire the English tongue; and, if he failed, it was not for lack of will and of application. French continued to be the language of the Court, as Latin was used in the law, in literature, and in the ritual of the Church. Most of the writs and other legal acts of the first Norman monarch are in Latin. A few are in English; but not one is French. The Norman and the early Plantagenet kings could not speak any other tongue than their own, and this came into official use for a time. But English, though deprived of its ancient inflections, formed the basis of popular speech. All the words in common use at the present day are derived from it. The French element was mainly infused at a later period, in the time of Henry III. and the Edwards: partly under the influence of French fashions and of the prolonged wars with France. Another current notion must be abandoned, for lack of evidence, viz., that William systematically set aside the law of England for that of Normandy. No distinctive code is in existence, or is spoken of by contemporary historians. There were modifications and changes, as will presently appear; but no intentional and sweeping supersession. Another error is sometimes made by asserting that he intended to degrade the English by ordering all fires to be extinguished at eight o'clock in the evening, when the Curfew-bell — from *couvre-feu*, or "cover-fire" — was rung. This was a common sanitary rule on the Continent for three centuries, and was needful at a time when houses were built mostly of wood, and when destructive fires were too common. In many English parishes, the custom of ringing the Curfew-bell is still continued, though the original significance has long been lost, and few persons are aware that the passing bell was originally tolled at death to drive away evil spirits.

William also constituted the Cinque Ports—Sandwich, Dover, Hythe, Romney, and Hastings—into a jurisdiction separate from the counties of Kent and Sussex, in order that the resources of those seaports might be wielded with greater vigour for the defence of the coasts and for purposes of transit to his Continental possessions. The

warden or guardian exercised civil, military, and naval jurisdiction, and certain privileges were accorded to the towns in return for services rendered. Winchelsea and Rye were subsequently added; and subordinate towns and ports were attached, under the name of "members." By the time of Edward I., the Cinque Ports were required to provide no fewer than fifty-seven ships, equipped and manned at their own cost, for fifteen days. A custom was connived at of their making raids across the Channel for purposes which cannot be distinguished from piracy. Prior to the Revolution of 1688, the Lord Warden nominated the Parliamentary representatives of the Cinque Ports, or barons, as they were termed. By the Reform Bill of 1832 the number was reduced from sixteen to eight, and it has since been still further diminished to three. The Municipal Reform Act of 1835 broke up the ancient organization of the ports, and assimilated them to other corporations; and the Lord Warden's jurisdiction in civil suits was abolished in 1856, so that his office, with the functions of the Courts of Stepway, Brotherhood, and Guestling, is little more than titular.

The real objections to the rule of the first Norman lay, partly in his severity, but, still more, in his selfishness and avarice. He revived the old tax of the Danegeld, though the cause for it, in the incursions of the Northmen, no longer existed. He became more grasping as he advanced in life, and imposed heavier taxes. The bitter feeling thus aroused was intensified by the formation of a vast deer-park or chase in the South of England; in addition to many great forests already existing. The New Forest, as it was termed, covered a space of thirty miles between Salisbury and the Sea. The district, before it was made into woodland, contained more than sixty parishes. He broke them up; turning out the people and demolishing their houses, and even the churches, without paying for the damage. The religious sentiment of that age did not fail to note, as signs of Divine anger, that in this same New Forest two of the King's sons and a grandson met with violent deaths. Severe forest laws, far more stringent than those initiated by Cnut, were made against both English and

Normans. The latter only were permitted to hunt within the royal domains as a matter of great favour. Those residing on the borders were not allowed to keep dogs, unless a claw of the right fore-foot was cut off, to hinder them from running. As to the English, it was ordered that whoever killed a stag or a hind should lose his eyesight. Even the hares were rigidly guarded. Hitherto, hunting had been partly a necessity, and partly a recreation: followed by nearly all classes. It was a necessity, as directed to the extermination of such predatory animals as wolves and wild boars, and as one means of obtaining food. It was a recreation, as a matter of sport in which all might indulge. With William I., it became a business, a passion, and a monopoly. His predecessors engaged in it occasionally, as a relief from other and graver pursuits. He made it a chief object of life, and was enthusiastically addicted to hunting, for its own sake. The writer of the Saxon Chronicle says plaintively,—"He loved the tall stags as though he had been their father." Nor was he content to traverse the vast uncleared lands where wild animals abounded. He seized what suited him, without compensation: heedless of the misery and wrong thereby inflicted. A fertile and thriving region became a wilderness; wantonly rendered so by his brutality and selfishness. This, more than anything else, made him hated. Chroniclers of both races describe the universal feeling of resentment. His ruthless harrying of Yorkshire and Northumberland, his forfeitures of property, and his stern exactions in divers ways, were bad enough; but this act transcended all.

For nearly a century there were loud and growing complaints of the harsh administration of the Forest Laws. Their jurisdiction was outside the common law. They had their own officials and their special customs. The sole object was to protect game of all kinds, for the exclusive use of the King. The chief functionaries appointed by him were independent of any other control. They held their own courts, and enforced their decisions in rough and arbitrary fashion. Their intolerance, rapacity, and cruelty made them hated by the people; but every act of resistance was sternly put down. Additions were made to these royal chases

by successive monarchs until the time of Stephen. Even Henry I., anxious though he was to conciliate the people, would not surrender any of the forests made by his father and his brother. Glimpses and half-articulate moans of the sufferers under this atrocious system are caught or heard here and there in the Chronicles; but the full tale of woe, wretchedness, and injustice can only be conjectured. Vindictive and even diabolical punishments were imposed. Among the most common were the loss of a hand or a foot, and sometimes of both; cutting off the nose or one or both ears; plucking out the eyes, or depriving them of sight by heated metal; castration, hanging, and boiling alive. These methods were not rare. Numberless instances are given, with revolting minuteness, which it is impossible to translate out of the Latin originals. A dead body swinging on a tree on the forest borders, or some dismembered and disfigured wretch doomed to eke out a livelihood by charity, was a frequent sight. But many more retired, like rats into their holes, to perish and be forgotten. The spirit that prompted these brutal Forest Laws is far from being extinct; although public opinion has materially curbed its power. The border-line between civilization and barbarism is faint, and almost impalpable.

So long as the King's demands could be met by taxes, or confiscations arbitrarily imposed on the natives, the Normans did not care; but when he began to tax them also, they resisted. This led to the compiling of that wonderful inventory known as Domesday Book. It is uncertain how or when the name was first applied to the Great Survey. An opinion has been expressed that the English regarded the Roll as one of final doom or judgment; remembering what they had already suffered, and anticipating yet greater severity and arbitrary rule. Doubtless they disliked the process, just as the modern Englishman objects to what he regards as the inquisitorial nature of the Income Tax. But some such recapitulation, only on a restricted scale, had been made under King Ælfred. Stow suggests that the name was a corruption of *Domus Dei;* the name of the apartment where the Roll was kept at Winchester. One thing is noteworthy. Careful attention is paid throughout to

legal terms, so as to maintain the semblance of justice in conformity with Norman punctilio. Even though an instrument of oppression and extortion for a time, yet it became in the thirteenth century the ground for a successful assertion of constitutional rights. William I., like Henry VIII., ruled absolutely, under the guise of a legal tyranny. This claim of legality furnished, in both cases, long after their decease, a plea for the successful assertion of ancient laws and liberties, which could not be permanently withheld from the people.

Domesday Book is a map and a picture of England as a whole; though some parts are more fully delineated. The task of enumeration was ordered to be undertaken at a Great Council held in Gloucester in the Winter of 1085; and it occupied a year. Commissioners were sent out in groups, over assigned circuits, to make inquiries, to examine witnesses, and to receive testimony on oath concerning all the lands in the Kingdom; distinguishing between meadow, arable, and wood; with the names of the owners at the time and in the days of Eadward the Confessor. The Shires were taken by each Hundred; and these by each manor. Full particulars were also given of the present and former value and produce of the land; with the houses, cottages, tenants, slaves, mills, fishponds, cattle, swine, ploughs, implements, and property of all kinds. The actual and the potential values were returned. It was a minute inventory for purposes of taxation; but it was something more. It determined questions of granteeship and ownership, and was the basis for settling the extent of military tenure. The population actually enumerated was 283,342; being the number of able-bodied men. Multiplied by four, this would give a total of nearly a million and a quarter, which was not doubled for nearly three hundred years; so terrible was the waste of human life by constant wars and frequent pestilence. Of the total, about two-fifths were ceorls, or freemen; socmen, or yeomen; and copyholders; as distinguished from the small bodies of thanes, clergy, and tenants-in-chief, and from serfs or slaves.

Incidentally, various side-lights are thrown by the survey upon the customs, laws, and manners of the time. It is the greatest and most daring experiment ever made

in economic legislation. Primarily, it is the record of a confiscation. It sets up a new theory of ownership. By a legal fiction, such as the parchment mind delights in, but which was assumed as an actual fact, a formal claim was advanced; sweeping and revolutionary in its comprehensiveness. Every title to property held before the Conquest, and every transfer made since, were declared null and void, unless confirmed by the King. Numberless sales, exchanges, confiscations, surrenders, re-grants, and alienations of land had occurred during the previous twenty years. Now, the King was to become the fount and source of legal ownership. The necessity of a royal grant for peaceable and lawful possession of land, and of every kind of property upon it, is the basis of the Domesday record. A man who could not produce the royal writ and seal was liable to be evicted. Similar confiscations on a small scale had taken place under former kings, and re-grants had been made in consideration of service rendered or of money gifts. The innovation consisted in all lay holdings in England being confiscated at one stroke. By a refinement of legal subtlety, every man, though in actual possession, and the heir of a long line of ancestors, was held to have suffered a constructive forfeiture for a constructive treason. In like manner, in the time of Henry VIII., the nation was assumed to have infringed the Statute of Provisors, by the recognition of Wolsey's Legatine authority, though it had been sanctioned by Henry, and conferred at his request. Pedantic judges have proclaimed at the end of the nineteenth century that all persons looking on or present at a riotous or seditious assembly are liable to be tried as accomplices. In the new Norman arrangements respecting land, the tenure was supposed to have lapsed, and the actual owner had to re-acquire it by a new grant, and to acknowledge that he held from the monarch as supreme and universal proprietor.

This was the introduction into England, although in a modified form, of what is commonly denominated the Feudal System; which was essentially Frankish in its origin and application. In England, it embodied a maxim of the old Roman law, that all land was held of the sovereign. The usufruct was granted to temporary

holders, in return for definite services. But Feudalism, in its complete form, with its pretences and figments, as affecting every relation of life, and with its Continental abuses arising from subinfeudation, was never fully introduced into this country. William I. expressly avoided raising up a body of powerful vassals such as existed in France and Germany, where the sovereign, in theory their head, was virtually their servant. It was alien to his purpose to suffer the creation of a class to which he still belonged, as Duke of Normandy; holding territory under the King of France. His plan evidently was to incorporate certain parts of the system into an existing framework of English polity; with special modifications demanded by local circumstances. Feudal tenure of land was gradually developed in England without the peculiar feudal jurisdiction, and without the gradation of personal ties and the political and social results witnessed in other countries. Much obscurity rests upon the subject; owing to the gradual manner of introducing changes and modifications. In process of time, that portion of the Continental scheme relating to military tenure was embodied. Holders of land were required to render personal service and aid, in men or in money, in time of war. Substituted payments were called Aids, Reliefs, and Scutage, or Shield-Money; with certain gifts to the King on marriage, for wardship, on sales, and when taking possession. All this came later. While the system lasted, the monarch could always call into the field thousands of armed men, who were bound, under penalty of losing their estates, to attend him forty days in the year, if required to resist an invasion, or to put down an outbreak. Feudalism also helped to curb the power of the great barons, and to secure the rights of the people; although it is not for a moment to be supposed that William I. intended it in the latter sense. He kept up the Hundred and the Shire Courts, with their familiar and ancient local jurisdictions He refused to his nobles any separate authority.

A meeting of the Great Council, which had taken the place of the Witan, was held at Salisbury in 1086. The records of Domesday Book were confirmed, and the principle of the King's supreme ownership of land was declared; not without murmurs and some resistance

In a few cases, where barons were too powerful to be interfered with, they were left alone for the time, or pacified by fresh grants. Most of them, however, knew the King's strong will and hot temper, and were glad to submit. Each had to take a new oath of fealty, in the following words, uttered while his hands were placed between those of the monarch:—"I become your man from this day forth, for life, and limb, and worldly honour, and unto you shall be true and faithful, and bear you faith for the land that I hold of you. So help me God!" The King continued to be the supreme lord. Every subject in the realm was his man; owing to him a primary and an inalienable duty. The design was to establish the power of the Crown. Troubles like those which had arisen out of the relations between the Norman barons and their Duke were guarded against in the new realm. They arose in time; as was inevitable under feebler and less astute rulers. But there never was, in the strict sense, a feudal system of government in England. As a land system, it was complete. Its moral and social effects have been stated by Hallam, with his usual clearness and fairness ('Middle Ages,' i. 268).

As time passed on, and conditions changed, there were new applications of Feudalism in England: resulting in oppression and tyranny. No fewer than eighty different land tenures have been enumerated; some merely nominal; but many of them onerous and stringent. Subsequent struggles between the Throne and the baronage had much to do with this. In turn, the barons oppressed and amerced their retainers, so as to raise the money required. Every burden imposed by the monarch upon the barons or knights was eventually transferred, with added weight, to those beneath them. At length the impositions became intolerable, and the excess of the evil wrought its own cure, as towns increased in numbers and wealth, and the citizen class were able to impose conditions as the price of pecuniary aid. Long after the system culminated and began to decay in the thirteenth century, many of its features survived; as narrated in the thirty-second Chapter. Struggles against privilege and monopoly in recent times are, substantially, protests against the relics of feudalism, and just demands for the

restoration of ancient liberties. English practical common-sense has swept away, with impatient scorn, many of the fantastic subtleties in which the legal mind delights; with the red-tape formalisms in which it seeks to carry out with pedantic precision its narrow schemes. Freeman has one of his most incisive passages upon this theme ('Norman Conquest,' v. 460).

CHAPTER VIII.

KING AND CHURCH.

A.D. 1070–1154.

In order to secure the complete authority of the Normans over England, it was needful to bring the great body of the clergy into subjection. The first thing was to remove natives from high offices in the Church. This policy was maintained for nearly a century and a half. Hildebrand never lost sight of his favourite scheme. He hoped to exact from England a measure of obedience to the Papal See which had never before been rendered. He strenuously sought to carry out the system for which the False Decretals had been forged, early in the ninth century. These pretended to be rescripts of St. Athanasius (296–373) and other primitive bishops, in favour of the appellate jurisdiction of the Roman See in all causes. On these spurious Decretals was reared the great fabric of Papal supremacy; overriding national councils and kingly power. Though repeatedly proved to be forgeries, the evidence was suppressed, until the time of Pope Pius VI., in 1789. King William did not intend to allow the claims of the Pope to supersede his own authority. He showed himself able to maintain his ground against the priesthood, even if he sent costly presents to Rome, and richly endowed churches and abbeys both in Normandy and in England. Three Legates arrived in 1070; avowedly for the purpose of reforming the English clergy. He used them to set aside natives from posts of honour and

power in the Church. Ealdred, Archbishop of York, had recently died, and his office was vacant. Stigand, Archbishop of Canterbury, several bishops, numerous abbots, and others in the upper ranks were deposed on various pretexts; chiefly that their appointments were uncanonical, through the schismatic Pope Benedict IX.

Their places were filled from among the crowd of needy priests and monks who came over in the Norman's train, or who followed as soon as success was assured. All of them were eager to share in the good things which the country offered. Some became notorious for pride and greed. Others were infamous for their private character. But they were useful in consolidating the ecclesiastical system as part of the machinery of government. If the national clergy had continued, another direction might have been given to the whole course of English history. By the Battle of Hastings, not only was the civil freedom of the country interfered with, but its ecclesiastical independence was eventually overthrown. It became, for a time, under the successors of the first Norman, an appanage of a foreign hierarchy; although there were repeated struggles and protests until the national independence was finally and sucessfully asserted at the time of the Reformation. Such a spiritual subjugation would have been impossible with a clergy born on the soil, speaking the language of the people, and owning no allegiance to Rome except that of fraternity. When a horde of foreign priests came hither, they regarded themselves as parts of a vast system that ramified over every land; its head being superior to all temporal rulers, and claiming from them unquestioning submission.

The learning, the high character, the executive ability, and the statesmanship of some of the foreign prelates do not admit of question. Most of the important measures in Norman times were carried by their instrumentality. They were, for the most part, shrewd ecclesiastical lawyers, able administrators, accomplished courtiers, and astute diplomatists, rather than theologians. One of the best, the most learned, and ablest was Lanfranc (1005–1089); an Italian, and Prior of Bec, in Normandy; a famous school of learning in that century, and the

source both of the Canon Law and of Mediæval Scholasticism, through Anselm, who succeeded Lanfranc. Much against his own will, the latter was appointed Archbishop of Canterbury in August, 1070. On the whole, he ruled the Church and advised the King wisely and well, while upholding what were regarded as the rights of his office. He was not a mere devotee of Rome; yet he never became English in sentiment. He was a zealous advocate of the dogma of Transubstantiation; then but little known in this country, and not regarded with so much interest or favour as on the Continent. It is certain that the English Church became less national and more dependent upon Rome under Lanfranc; but, while William ruled, it was never degraded into the condition of a fief or vassal of Rome. The old dispute about the celibacy of the clergy was revived; but the new Archbishop could not force his views upon all. He succeeded in applying the rule to the capitular as distinct from the parochial clergy. It was resolved to forbid priestly marriages in the future. He also sought to degrade the memory of the English martyrs and saints; alleging that they were not worthy of the name. A blow was aimed as much against patriotism as against religion. He seized such portions of the Sacred Writings in the vernacular as could be found; on the plea, so often raised, that the translation was incorrect.

The King did not interfere in ecclesiastical matters so long as his own power was not infringed; but he made Lanfranc and the other foreign prelates, as well as the Pope, understand that he would not permit any dictation or meddling with his sovereign rights. When Hildebrand mounted the Papal throne he thought the time had come to reduce England to spiritual bondage. He reminded William of the help given at his invasion of the country in 1066, and of the promises then made in return; telling him that his kingdom must be held subject to the Pontiff. The reply was so minatory and passionate, that it was judged prudent to say no more, and the claim was dropped for a hundred and forty years. Peter's Pence should be paid, said William, because of the action of his predecessors. They had never admitted a claim of fealty; nor would he. He regarded himself

as the legal successor of a long line of English Kings. Their rights were his. What they had conceded, he would concede; but not one whit more. He tolerated no invasion of his authority. He was really the Supreme Governor, both in Church and State. No Pope, bishop, or other clerical dignitary, could secure recognition within his dominions, unless by his express consent. No Papal documents carried any force without his approval. An ecclesiastical council, duly convened by the Archbishop, derived authority solely from the monarch. It is questionable whether such a body could meet or debate without the royal permission. Excommunication could not be pronounced, nor could any ecclesiastical censures have any effect, without such sanction. William was not afraid of the clergy, nor would he relinquish any of his just prerogatives. At the same time, under the Norman rule, a gradual change was introduced in ecclesiastical affairs, by which they came to form part of the great system administered throughout Western Christendom. For nearly five centuries, there were unwearied attempts at encroachments by Rome; to a greater extent, and carried on with more boldness, than attempts of the kind had been made even under the later native kings; but they became more bold and persistent. There were protests, refusals, and resistance on the part of monarchs and statesmen. The struggle was prolonged and resolute. It may be clearly traced in an unbroken series of royal decrees and in legislative enactments, designed to restrain the greed and the aggression of Rome; until, in the fulness of time, her authority was rudely shattered and thrown off. But this struggle was inevitable, because personal ambition and political exigencies had induced William I. to assume an attitude which afforded to subsequent Pontiffs a pretext for claiming from his feebler successors homage such as he would never have rendered. He opened a Pandora's box which they could not close. It was a grave blunder; but one that seemed unavoidable in the swift current of affairs.

A change was also made in the tenure on which Church lands were held, by requiring a certain number of soldiers to be found, according to the value of the property of the cathedrals, the monasteries, and the

clergy. Another and more important change was the gradual establishment of ecclesiastical courts, and the formal separation at the Great Council in 1086 of the King's Court from that of the Bishop; leading to the distinction between what were termed civil and spiritual causes, and to the enforcement of the Canon Law, in distinction from the Common Law, as narrated in the tenth Chapter. Out of this sprung, in process of time, claims of exemption on the part of the clergy from the jurisdiction of the ordinary tribunals; with appeals to Rome. The ecclesiastical courts also contrived to obtain control of matrimonial, testamentary, and other matters, which brought enormous accretions of power and wealth, such as they had never before been permitted to enjoy. The growing abominations connected with these Courts continued in England long after the Reformation, with a brief interval during the Commonwealth, and were not swept away until the nineteenth century was far advanced. It is incomprehensible why an astute and arbitrary monarch like William the Norman should have consented to a plan that was certain to entail such results; unless illness had enfeebled him. When his strong hand was withdrawn, and under altered conditions, the germs of priestly power rapidly developed. Many long and bitter conflicts occurred between the State and the Church in later reigns; for the authority of the monarch in all spiritual matters was sought to be subordinated to the prelates, who were inspired from and controlled by Rome. It is not surprising that they should have been denounced in such vigorous terms by Milton in his treatise, 'Of Prelatical Episcopacy.' Fuller also says, in his characteristic style:—"Henceforward, the canon law took the firmer footing in England. Date we from hence the squint eyes of the clergy, whose sight, single before, was hereafter divided betwixt double looks at two objects at once, the Pope and the King; to put him first whom they eyed most; acting more by foreign than domestic interest."

The germ of another difficulty appeared at this time. Battle Abbey had been founded, between Hastings and Lewes, to mark the site of the great contest. The structure was large and imposing, and the endowments

were rich. One story is told that the first monks complained of the lack of water on the hill of Senlac. William replied that if God gave him long life, wine should flow more readily in his new foundation of Battle Abbey than water in any other abbey in England. He did not live to see the completion of the enterprise, but it has special interest as giving prominence to a dispute that seems to have waged somewhat fitfully in other and similar cases. Exemption was claimed from the ordinary jurisdiction of the bishop of the diocese. This was part of a scheme at which the monastic bodies were continually aiming. The Bishop of Chichester, within whose bounds the new Abbey was placed, strenuously resisted the claim. Lanfranc himself, though a monk, took this view as Archbishop. He had already become embroiled in a similar demand for immunity on the part of the monks of St. Augustine's, in Canterbury, whom he put down with a firm hand; flagellating and expelling the ringleader. In like manner, at Glastonbury, in 1083, because the monks would not abandon the old mode of chanting, Thurstan sent French archers, who broke into the choir and shot them down at the altar. Pope Gregory VII., true to his inflexible policy, saw in the demand a means of strengthening his own power, by securing the support of the monastic orders as against the secular clergy. Charters of exemption from episcopal control were granted to monasteries; usually for a large pecuniary consideration. This was a fatal mistake; for the absence of supervision led to abuses that compelled the suppression of monasteries in the sixteenth century. Before many generations had passed, the independence thus obtained was envied by the secular clergy, who also began to set at nought, as far as they could, the authority of the bishops. The insubordination of the High Church clergy in the nineteenth century is not peculiar to their own time, but is a vice appertaining to their order in every age and country.

With the Battle of Hastings, William I. bade farewell to peace for ever. He lived for twenty-two years after that event, but they were years of storm and difficulty. His children repeatedly took up arms against him. He

had little comfort in his family. Some of the powerful Norman barons gave him much trouble; though, in the end, they were mercilessly suppressed. He was perpetually crossing and recrossing the Channel to deal with risings and mutinies. Much time had to be spent away from his insular kingdom. He had an anxious and wearying life. During one of his frequent absences, an outbreak occurred in which some of the Normans actually joined with the English; and though sternly put down, it showed what a feeling existed. His eldest son, Robert, claimed the Duchy of Normandy for himself, by virtue of a promise said to have been made several years before; but the father would not cede the actual possession during his lifetime, and they parted in anger, and with mutual curses. He quarrelled with his brother Odo, the fighting bishop, and kept him a close prisoner for ten years, until his own death; seizing all his vast property. It is evident that after the year 1075, all the troubles of the reign, like those in the time of Rufus, sprung from revolts and intrigues among the Normans. The English were usually found on the royal side. They had learned in that short period to appreciate his firm rule, even though it was often oppressive. It was better than baronial tyranny and arbitrariness, or the selfish intrigues of rival factions.

The life of the King was drawing to a close. His last days were more cloudy and anxious than any that had gone by. His wife, Matilda, died in 1083. His eldest son, Robert, was away; resentful and rebellious. The castle dungeons of England and Normandy were crowded with captives; both foreigners and natives. Among the latter were Earl Morkere and a brother of the late King Harold, both of whom had been in durance for many years. The Norman nobles were in a state of chronic disaffection; often breaking into open revolt. In 1087, William, though ill and sinking, went again to Normandy, where most of the ten preceding years had been spent. His object was to try and win back some lands which Philip I. of France had taken. Among other places, the town of Mantes was captured, plundered, and fired. The ripening crops around were trampled down, the fruit-trees and vines destroyed, and, as usual, much wanton

havoc was committed. While riding through the smoking ruins, his horse trod on some embers, swerved, and seriously injured him. He was carried to Rouen on a litter, and lay for six weeks in great agony until released by death. His sons, with whom and among whom there had been repeated contentions, had left the place; caring only for their own interests. Almost ere the breath was out of his body, he was forsaken by his courtiers and by most of his servants; "gone to salute the rising morn," as Gray sings, less accurately, of the death of Edward III. There were but few to grieve for the iron soldier at the hasty obsequies in the cathedral he had built at Caen.

William I. is one of the few monarchs whose personality has left an impress upon English history. In the great drama of the Norman Infusion, he was the chief actor. Never was the public peace so well kept: never were robbery, violence, and murder so rigorously and surely punished. He secured for England a place in the comity of European nations, such as she would have been slow to win under the old conditions. He was clever, bold, and vigorous; determined and able to rule; far-seeing and prompt in device; venturesome, yet sagacious. He was passionate, and even vindictive; grasping after wealth, and yet profuse in rewarding service; delighting in war and in the chase; more feared than loved, and hated by many; as the writer of the 'Saxon Chronicle' describes, from personal knowledge. His dominant, forceful character urged his advance in spite of obstacles and opposition. Troubled with no compunctions, and regarding mercy as a weakness, he shrunk from nothing in the accomplishment of his purposes. Living in a rough and brutal age, and sprung from a bold and aggressive race, he was pitiless and unscrupulous; but probably not more cruel and fierce than the standard of the times permitted. He dealt out what he thought to be justice; in short, sharp, coarse fashion. Blood might flow like water; untold misery and wrong might be inflicted upon resistless innocence; smiling and fruitful districts of many square miles in extent might be laid waste; yet he never halted or swerved from his chosen path. An unprecedented and unlooked for combination of circumstances made his invasion of England a success. Then,

with an astuteness of which the morality does not bear examination, he pretended to be the rightful successor of those who had reigned before him, and, in time, the legal fiction crystallized into legal fact.

The second son of the late King, named also William (b. 1056, r. 1087–1100), and commonly styled Rufus, from his ruddy face and yellow hair, was at the port of Wisant, near Calais, when tidings came of his father's death. He crossed the Channel, placed reliable friends in charge of the Kent and Sussex castles, and hastened to Winchester to secure the vast treasures there accumulated; said to be sixty thousand pounds' weight of silver, and great stores of gold, jewels, armour, and rich dresses of tapestry; all of which he seems to have regarded like the Cave of Mammon, subsequently described by Spenser in the 'Faërie Queene.' Winchester had been an important city under the Romans, and it was the capital of the kingdom of Wessex. Alfred rebuilt and enlarged it, and was buried there. William I. erected a castle, and it was his favourite residence when in England. At a meeting of the prelates and such of the barons as were in the country, Lanfranc read a letter, purporting to have been dictated on his death-bed by the late King, and brought over by Rufus; recommending him for the vacant throne. He was crowned within three weeks; swearing to defend justice, equity, and mercy, and to maintain the rights and privileges of the Church. It was known that the barons in Normandy wished to have the kingdom and the duchy united under one ruler. When they heard of the proceedings at Winchester, they refused to recognise Rufus, and urged Robert to oppose him. An army was brought over by his uncle, Bishop Odo, whose long imprisonment had ended with his brother's decease. Rufus appealed to the English for aid; promising that they should no longer be heavily taxed, and that the harsh Forest Laws should be modified. Thirty thousand men are said to have responded to his call. With these, and his own Norman friends, he opposed Odo at Pevensey, and made him yield. Duke Robert, always apathetic, dilatory, and careless, arrived when it was too late. He was easily persuaded by his energetic brother to agree that if either of them died

childless, the other should inherit all. Within a few years, however, Robert pawned Normandy to his brother for ten thousand marks, to enable him to join in one of the Crusades to the Holy Land. Thus history reversed itself. A Norman Duke conquered England. Now, his son and successor as King of England annexed Normandy.

For many years loud complaints had been made by those who went on pilgrimage to Jerusalem to visit the scenes made for ever memorable in sacred history, that the Saracens—a vague synonym for all infidel nations, including Turks—who were masters of the country, not only exacted heavy tolls, but sometimes ill-treated the pilgrims. Among them was a Frenchman, Peter Gautier, better known as Peter the Hermit, who, by his fervent preaching to excited crowds all over Europe, aroused the zeal or the fanaticism of Christendom. William of Malmesbury says that "the most distant islands and savage countries were inspired with this ardent passion. The Welshman left his hunting, the Scotchman his fellowship with vermin, the Dane his drinking party, the Norwegian his raw fish." Nothing is easier than to inflame the ignorant and unreflecting by impassioned appeals to prejudice and bigotry. Happily, the effects, though usually disastrous and disgraceful for the time, are as evanescent as the means employed are vile or contemptible. Pope Urban II. called a Council at Clermont, in France, in 1094, at which it was resolved, amidst tumultuous excitement, to commence a Holy War for the purpose of driving "the infidels" out of Palestine. This was the origin of the Crusades; so named from the French *croisade*, or red cross worn on the right shoulder by the warriors and devotees. Three hundred thousand men, a disorderly and anarchic multitude, for the most part drawn from the dregs and refuse of Europe, are said to have embarked on the first of these Quixotic adventures. They swept through Germany; committing horrible ravages on nominal Christians, long before the infidels were reached. Multitudes perished; more from debauchery, famine, and pestilence than in battle; and some horrible forms of disease were introduced and propagated, that have left their foul mark upon humanity.

The princes of Christian countries were urged to join

these Crusades, and to induce the flower of their chivalry to do so. It was declared to be a work of great merit and piety, that would ensure the Divine favour. The first Crusade commenced in 1096, and ended three years later in Jerusalem being taken. Tasso's 'Gerusalemme Liberata' is an heroic record of the conquest under Godfrey de Bouillon. The success was transient; and no fewer than seven other Crusades were undertaken between that time and 1270. The only points at which they impinge on English history are in the case of Robert of Normandy and in that of Richard I., who engaged in a similar enterprise, to the impoverishment of his subjects. These so-called Holy Wars, like the boasted chivalry of the Middle Ages, have been invested with an atmosphere of romance, and are sometimes described as the heroic age of Christendom. In reality, they were inspired by fanaticism and carried out with ferocity. Thousands of bold and unscrupulous men assembled, with a vast retinue of lawless banditti as camp followers. Wherever they landed or marched, the inhabitants had to lay their account with violence and bloodshed, licentiousness and disease, the loss and destruction of property, and the invasion of domestic honour and security. The records abound with deeds of cruelty, rapine, and lust. Indirectly, the Crusades exerted a beneficial influence, in bringing people of distant lands into contact; in enlarging their information; in awakening new ideas; in refining the taste; in opening up fresh channels for trade; and in carrying off large numbers of robber barons and other useless people, to perish in Egypt and Syria of war and pestilence. But the original inception was in bigotry; and the Crusades were prosecuted with the diabolical vindictiveness that always marks religious wars.

During his reign of thirteen years, Rufus not only squandered all the wealth accumulated by his father, but earned much ill-will by extorting large sums from his subjects; regardless of his promises and oaths. Not alone by heavy taxes was this done, but gifts were demanded from all who had wealth. Much of the money was lavished on mercenary troops in his pay. Justice was openly sold. Offices and titles might be had by

purchase. A low and vulgar Norman priest, known as Ralph le Flambard—"the firebrand," or "the torch"—who rose from the post of royal chaplain to be Justiciar and Bishop of Durham, was a favourite, because of his ready craft in devising means for raising money. Among other things, he suggested the sale of ecclesiastical offices. His was the first English case of systematic simony. He also said that when a bishopric was vacant, the King might take its estates into his own hands until he saw fit to appoint another bishop. In some cases this was done for years. Rich abbacies were treated in the same manner. The lands were sometimes let during the vacancies for heavy fines, which accrued to the King, while the bishop or abbot subsequently appointed received only a small rent. Such methods of spoliation were new and startling. The Chroniclers distinctly assert that they were innovations, and regard them with horror as peculiarly sacrilegious. But the practice was only a logical sequence from the theory that a high spiritual office was a preferment in the royal gift, with land attached, subject to personal service. During a vacancy, the profits accrued to the King. This convenient and lucrative arrangement was maintained down to the time of Elizabeth, and gave rise to perpetual disputes.

Lanfranc died in 1089, and the See of Canterbury was not filled up for four years, when, during a fit of remorse caused by illness and an apprehension of death, Rufus appointed Anselm (1033–1109); forcing him, against his will, into the high but difficult position. He was the intimate friend of his predecessor, and, like him, a distinguished monk of Bec. His meek and gentle spirit could be aroused into heroic courage in defence of what he believed to be the right. Within a month, a contest began between him and Rufus, which lasted for four years, and ended, after a brief interval of truce, in Anselm leaving the country. He went first to Rome, and thence to Lyons, where he remained until the death of the King on August 2, 1100; the revenues of the See being again sequestrated. The quarrel arose out of a refusal by Rufus to restore to it property which had been held before the time of Lanfranc; and out of Anselm's

demand that all episcopal vacancies should be immediately filled up. He also claimed to obey the King and the laws, subject to his duty to the Pope and the interests of the Church; a reservation that Rufus would not tolerate. The Archbishop compared their official union to the coupling of a wild and untamed ox with a meek and powerless sheep. History is silent as to the opinion of Rufus on this comparison. His known vices and sins were boldly rebuked by Anselm, who experienced the fate of St Chrysostom. The dispute between the secular and the ecclesiastical powers culminated in the time of Becket.

The monks have nothing to say in their Chronicles in favour of such a King; but all their statements have to be taken with reserve. As Fuller says,—"We only behold him through such a light as his foes show him in; who so hold the candle that with the shadow thereof they darken his virtues, and present only his vices." Money, which was the sole test and the corrupted meaning of the word "charity," served literally to cover a multitude of sins. But money was what Rufus would not bestow on the monks. He hated them, and they returned his hatred with interest. His alleged sins are recorded with a minute and painstaking fidelity, and with a depth of colour that shows how cordial was their detestation. No peccadillo escaped their lash. They could not understand him, and he delighted to perplex and anger them. They called him a swaggerer; an unbeliever, and a devil. He retorted by outraging their sense of propriety more and more, and by ridiculing, like Momus, their notorious weaknesses and foibles. They regarded him with horror and aversion as the incarnation of evil; as if he were a visible Ahriman. According to them, he was a monster of vice and iniquity; glorying in mockery, ribaldry, and blasphemy. They could never forgive one whom they charged with robbing the Church and committing the sin of Simon Magus. Like his father, however, he was too strong for them. If bishops would not become his pliant tools, they were driven forth with contumely. He had a biting tongue, and was addicted to jest and sarcasm, and he uttered stinging words which the ecclesiastical mind did not like. He railed

and reviled with acrimony at things deemed sacred, and took especial delight in mocking at official primness.

Threats of excommunication were made at Rome; but before they could be carried out he was dead. Hunting in the New Forest one day in August, 1100, an arrow pierced his heart. By whom shot, and whether by accident or design, was never known. Current rumour ascribed the deed to vengeance on the part of one oppressed and wronged. Popular superstition dwelt with awe upon the circumstance that he perished in the Forest which his father's cruelty, selfishness, and sacrilege had made. It was also noted that he died suddenly and alone; without warning, confession, or shrift. Such was the end of the strong-willed Rufus, who "feared God but little, and man not at all." His body was found by a charcoal-burner, and was taken on a rough country cart to Winchester, where it was buried in the Cathedral, without any kind of religious service. During his reign, that part of the gloomy Norman pile on the Thames side, known as the White Tower, was completed, with a bridge over the river; and also, in 1097, the original Westminster Hall, which was rebuilt in the time of Richard II. The enormous cost of these architectural works formed grievous additions to the burdens laid upon the people; and the Chroniclers utter a pitiful wail over the heavy imposts levied during this reign. Attempts were made to subdue the Welsh; and the Southern portions of their country were conquered for a time. Cumberland was incorporated with the kingdom. Carlisle was again made a border city and fortress. Magnus of Norway tried to land in 1098, but was driven back. This was the last attempt of the kind made upon England by the hardy and dauntless Northmen, whose former attacks had caused so much loss and suffering; mingled, however, with not a little gain to the national character.

Prince Henry (b. 1068, r. 1100–1135), usually styled Beauclerc, or "the fine scholar"—which must be understood in an accommodated or elementary sense—was also hunting in the New Forest when his brother was killed. He hastened, in his turn, to Winchester, and by mingled cajolery and threats secured the royal treasure stored

there. His elder brother, Robert, was still absent on his crusading expedition. Henry, like a true son of his father, acted with courage and promptitude. In the face of some mutterings of resistance by Norman barons, and of overt acts of opposition on the part of his brother's adherents, he boldly threw himself upon the sympathies of the English people. Largesses were scattered out of the royal treasure-house, and a similar course was pursued in the metropolis, where, after a form of election had been gone through, he was crowned by the Bishop of London, three days after the death of Rufus. Strictly speaking, this was a usurpation of the legal rights of Robert, but the colourable pretext of an election was given, and, happily for the future of England, the new monarch had to invoke the popular favour. He appealed to the English, as his brother had done, and as one born in their midst, and gave them that Charter of Liberties which became the model and the assurance of similar instruments in after times. Flagrant wrongs in the administration of justice, in the levying of taxes, and in the assertion of arbitrary power, were promised to be redressed. This step, though enforced by the exigencies of the time, was a clear gain in the consolidation of public liberties. The principles thus established were afterwards applied in a variety of ways.

Two of the clauses are of peculiar value, as showing that the concessions were to extend to all classes:—"In like manner shall the men of my barons relieve their lands at the hand of their lords by a just and lawful relief"; and,—"In like manner I enjoin that my barons restrain themselves in dealing with the sons and daughters and wives of their men." This last sentence throws a gleam of light upon a horrible condition of things, at which contemporary writers frequently glance in somewhat oblique fashion. In a Council held at Lambeth, under Anselm, to determine whether Matilda—or Edith, as she had been called—the orphan daughter of Malcolm Canmore, King of Scotland, could canonically marry Henry, as she had been forced to take the veil, the following declaration was recorded,—"When the great King William conquered this land, many of

his followers, elated by so great a victory, and thinking that every thing ought to be subservient to their will and pleasure, not only seized the provisions of the conquered, but invaded the honour of their matrons and virgins whenever they had an opportunity. This obliged many young ladies, who dreaded their violence, to put on the veil to preserve their honour."

Anselm had been recalled from exile to resume the position of head of the English Church. One of his first official duties was to conduct the royal marriage. This politic procedure was designed to ingratiate the English people; as the mother of the new Queen was sister to Eadgar Ætheling. It might have succeeded; but for the way in which Henry persisted in asserting the forest monopolies. He punished their slightest infraction as severely as his father and his brother had done. How far promises made for the redress of grievances were kept when the immediate necessity for fair speech had passed away, may be judged from what Eadmer of Canterbury, the friend of Anselm, writes in his Chronicle, from personal knowledge. He records that the taxes were collected with extreme rigour. The officers seemed to have no feelings of humanity or justice. If a man had no money, he was cast into prison, or forced to flee the country; his goods were sold; the door of his house was carried away, and the slender remains of his property were exposed to the mercy of the passers by. If he had money, he was harassed with threats of prosecution for imaginary offences, till he surrendered all that he possessed; for no one dared to enter into litigation with the sovereign, or by refusing to pay the illegal demand, subject himself to the loss of all he had:—"There are many who will think little of such enormities; so much have we been habituated to them under the last two monarchs." At the same time, rough, stern, swift justice was executed upon offenders; especially on thieves and robbers, and other disturbers of the public peace. But the epithet, the Lion of Justice, applied to Henry by some of his monkish eulogists, is one of the exaggerated phrases so commonly used.

With the return of Anselm there was a renewal of the old dispute as to the regal appointment of bishops and

abbots; as to investiture with the ring and staff; and as to homage. It was part of the long struggle between the ancient law and custom of England and the growing pretensions of Rome. This particular quarrel waged for six years, and involved another exile of sixteen months for the Archbishop. Henry was determined to maintain the Crown rights. He was willing to allow the form of election; but it must be of men chosen by himself. Anselm was as resolute in defending what he conscientiously held to be the rights of his office. Pope Pascal II. vacillated, and sought to avoid giving offence to either side. A compromise was effected. Anselm agreed to do homage for the temporalities of his See, and to allow his suffragans to do the same; on condition that the spiritual investiture with the ring and staff was not claimed by the monarch. The outward form was relinquished, but the substance of kingly supremacy remained. Ecclesiastical pretensions were temporized with, and kept at bay; but never practically admitted. When Anselm died, in 1109, Henry appropriated for five years the enormous revenues of Canterbury, in flagrant violation of his promises. During the remainder of his reign there were smouldering embers of strife between the temporal and spiritual powers; occasionally bursting into a fitful flame, and then dying away; only to break forth into a fierce conflagration subsequently, between other disputants. True to his family character, the King's will sometimes took a grimly humorous form. He appointed a poor monk to the bishopric of Salisbury, solely because of his rapidity in saying Mass "fitly for hunting men." This Roger began the organization of the Exchequer, which was perfected under Henry II.

The saintliness of Anselm's character, his renown as a philosopher, and his abilities as an ecclesiastical statesman are admirably delineated in the memoir by Dean Church. His writings exhibit the depth and acuteness of his intellect. He was second to Augustine of Hippo, in his abiding influence and authority in the Church. Embracing, without question, its doctrines, mostly as set forth by Augustine, and holding strenuously that implicit belief must precede knowledge, he yet felt the necessity for a system of religious philosophy, urged the duty of proceeding from faith to

intellectual processes, and sought to reduce the truths of religion into the systematic form of a connected series of arguments. For this purpose he wrote his 'Monologium sive Exemplum Meditandi de Ratione Fidei.' In another work, 'Fides quæreus Intellectum,' he strove to demonstrate the existence of God from the conception of a perfect being; a species of ontological proof that has never been deemed satisfactory. All his writings, however, mark an epoch in Christian philosophy. He may be justly regarded as the earliest of the schoolmen, although Alexander of Hales was the first who completely systematized in their well-known manner the doctrines of the Catholic Church. Hales, styled the Irrefragable Doctor, who died in 1245, was a native of Gloucestershire, and became a noted professor of philosophy and theology in Paris. He was a Minorite Friar. His chief and only authentic work is the 'Summa Universa Theologiæ'; written by command of Pope Innocent IV. Instead of appealing to tradition and authority, he deduced, with great skill and subtlety, from assumed premisses, the most startling doctrines, especially in support of the Papal prerogative. He refused any toleration to heretics, and would have them deprived of all property. He argued that subjects are absolved from obligation to obey a prince who is not submissive to the Church. He held that the spiritual power, which blesses and consecrates kings, is above all temporal powers; whom it has the right to appoint and to judge; while the Pope has no judge but God. In ecclesiastical affairs, also, Hales maintained the Pope's authority to be full, complete, absolute, and superior to all laws and customs. He reduced all the doctrines of the Church to rigorous syllogisms, and displayed marvellous dialectical ingenuity in dealing with the metaphysical puzzles in which his age delighted; but the utter uselessness of which fills modern readers with astonishment.

Henry I. also addressed himself to the difficult task of curbing the power of the barons. It was a matter of policy to put down the proud families by whose aid his father won England. Many of them acted despotically. There were constant feuds and raids. The authority of the Crown was to a large extent nominal. Conspiracies

and outbreaks were frequent among the Normans. The character of these turbulent nobles appears from what Henry of Huntingdon narrates of Robert de Belesme, Earl of Shrewsbury :—"He was a very Pluto, Megæra, Cerberus, or anything that you can conceive still more horrible. He preferred the slaughter of his captives to their ransom. He tore out the eyes of his godson, whose father had escaped after offending him. He impaled persons of both sexes on stakes. To butcher men in the most horrible manner was to him an agreeable feast." This man was cited before a council of barons and prelates, but he intrenched himself in his castle of Bridgnorth. He was besieged and defeated, and had to flee the country. His vast estates were confiscated, and a similar course was adopted towards others of these titled bandits. Under such vigorous rule, their power was restrained, but it was asserted with increased violence during the troublous time of Stephen. A feeble attempt was made in 1101 by Duke Robert of Normandy to assert his hereditary claims, but he speedily relinquished them for a pension of three thousand marks; with a mutual engagement that if he or his brother died without heirs, the survivor should succeed to the whole inheritance. Five years later, on the pretext that some recalcitrant barons had been harboured in Normandy, Henry crossed the Channel, and defeated and captured his brother, who was immured in Cardiff Castle for twenty-nine years, until death released him. The Battle of Hastings was avenged. Normandy and England were re-united under one ruler, not without constant warfare, involving long and frequent absence from England on the part of Henry.

It is needless to narrate his battles, sieges, and intrigues with reference to his Continental dominions. They are detailed at wearisome length in the annals of the time. Of strictly English matters there is little to record. An end came to the reign in December, 1135, through a surfeit caused by over-indulgence in lampreys, of which Henry was inordinately fond; so that his fate resembled that of Apicius. The King's possessions were bequeathed to his only living child, Matilda, who, as a baby of eight years, had been married in 1114 by her father, for political

reasons, to Henry V., Emperor of Germany, and, after his death, to Geoffrey of Anjou, in 1127, then a boy of fifteen. But Stephen of Blois, whose mother was daughter to William the Conqueror, and whose wife was niece of the wife of Henry I., had been intriguing for the succession to the English throne. He had sworn, with all the English and Norman nobles, to recognise Matilda on the death of her father. Whatever censure attaches to the alleged violation of Harold's oath, applies equally, and far more positively, to Stephen. But oaths were readily taken, and as readily broken, for any personal advantage. Stephen (b. 1105, r. 1135–1154) hastened from Boulogne to London. By bribes and promises, aided by the Norman dislike to a female sovereign, he secured an informal kind of nomination from the citizens and from such chief persons as could be hastily assembled. He was crowned December 26, 1135. The barons and prelates, in taking the oath of allegiance, inserted a clause that they would remain faithful to him as long as he observed the engagements of his coronation oath. The ecclesiastics also stipulated that he was to preserve the rights of the Church; which meant, as events speedily showed, that they were to be left to do as they chose. It also involved the humiliation of the grant of the Crown being confirmed by the Pope. This was the logical sequence of the act of William I. in asking the sanction of Rome for his expedition, and of his subsequent relations to the Holy See.

Before the expiration of twelve months, Stephen was opposed by some of his turbulent barons. 'He was an amiable but weak man, and the rule needed at the time was vigorous firmness, if not stern repression. The country was soon plunged in all the horrors of internecine strife; chiefly carried on by mercenaries from the Continent, engaged on both sides.' The Saxon Chronicle which ends with this reign, gives sad details of attacks and reprisals; of cities besieged and sacked; of battles and skirmishes; of torture and robbery; of murder and ravishing; of destruction and incendiarism. Matilda arrived in 1139, to assert her claims. Robert of Gloucester, her illegitimate brother, was her champion. Stephen had the misfortune to be captured in a battle

near Lincoln; but his adherents shortly afterwards took Robert, and an exchange of prisoners was effected. The strife continued, with brief intermissions and with fluctuating results, for eight years, and then Matilda withdrew to the Continent. Scarcely any part of the country escaped. 'Anarchy prevailed, and such a condition of wretchedness as was seldom before and never since known in England. 'Every man did that which was right in his own eyes.' The strong and the brutal tyrannized over the weak and the innocent. Commerce, industry, and agriculture suffered; and both parties to the strife were exhausted. 'Yet there were mitigating circumstances. The power of the Norman baronage was weakened. 'The authority of the sovereign was impaired. Men learned to appreciate the blessings of orderly government, and the protection of life and property. The feudal principle was restrained by judicious checks and safeguards. Ancient wrongs, jealousies, and distinctions were forgotten. A beginning was made of that national sentiment between the English and the children of the Norman settlers of which so much will be seen in the course of the twelfth and thirteenth centuries. The close of the distinctively Norman period was reached within eighty-eight years of the hostile landing on the Sussex coast and the Battle of Hastings. A new era was about to be inaugurated.

Henry of Anjou, son of Geoffrey and Matilda, born in 1133, succeeded to his father's heritage when eighteen years old. In the following year, 1152, he strengthened his position by a politic marriage with Eleanor of Aquitaine, Queen of Louis VII. of France, who divorced herself for the purpose within two months; contemptuously saying, in the plain speech of the time, that she had married a monk, and not a king. Henry acquired large and wealthy provinces, in addition to his hereditary possessions in Anjou and Normandy. In 1153 he crossed the Channel for the purpose of enforcing his claim to England, through his mother. Instead of fighting, negotiations were carried on with Stephen, and a settlement was made. The existing occupancy of the throne was to continue; and Henry was to follow. This was not merely a personal bargain between two rivals. It was discussed, settled, and ratified in several formal

gatherings of the chief men of the land. The attitude of the barons is thus described by Henry of Huntingdon: —"Then arose the barons, or, rather, the betrayers of England, treating of concord although they loved nothing better than discord; but they would not join battle, for they desired to exalt neither of the two, lest if the one were overcome the other should be free to govern them; they knew that so long as one was in awe of the other, he could exercise no royal authority over them." In the following year, 1154, Stephen died, and the arrangement as to the Crown led to important constitutional changes.

CHAPTER IX.

SOCIAL GLIMPSES IN THE ELEVENTH AND TWELFTH CENTURIES.

A.D. 1000–1200.

Not until the lapse of four centuries from the time of the Venerable Bæda does a writer appear, in the person of William of Malmesbury (1095–1143), with capacities higher than those of a mere copyist of monkish gossip and scandal. Sprung from a Norman father and an English mother, he represents the growing fusion of the two races, though his sympathies are manifestly on the Norman side. He is a good specimen of a Benedictine scholar. By general consent he takes the foremost place among the authorities for the Anglo-Norman period. He may be designated the English Herodotus: in the sense of being the Father of its History. His industry in collecting materials, and his skill and judgment in arranging them, were marvellous for that age, considering his opportunities and the means at his command. The most important of his works is 'Gesta Regum Anglorum'; extending from early times to the year 1120. Another is the 'Historia Novella,' which begins with a retrospect of the reign of Henry I., and ends with the year 1142. A third gives the history of English bishops and of the chief English monasteries, from the mission of

Augustine to the year 1123, and, with Bæda's work, is the foundation of the early ecclesiastical history on which all subsequent writers have reared a superstructure. Twenty other productions issued from his facile pen: and several more have been ascribed to him, though without absolute proof.

The study of the great Latin authors produced a slight classical Renaissance at this period, traceable in its Chroniclers, who give lengthy quotations from Horace, Ovid, and other writers; contrast their heroes with such personages as Alexander and Cæsar; and copiously embellish their narratives with supposititious speeches after the manner of Livy, Thucydides, and Tacitus. Many of these writings have been lost, and their existence and character are known only by extracts or references in later works. From this time onwards, as Sir Thomas Duffus Hardy points out in the preface to his admirable 'Descriptive Catalogue,' a new feature appears in the national literature. It becomes more versatile, sparkling, and attractive. The ecclesiastical writers furnish anecdotes, personal and satirical descriptions, and amusing sketches of the manners and conversation of their day. Especially is this the case with Giraldus de Barri, or Cambrensis (1147–1222), and with John of Salisbury (1110–1180); both of whom were diligent students in the renowned University of Paris, and cultivated with success almost every variety of style then known; whether in prose or verse. The former was an Archdeacon. In such of his numerous writings as have been transmitted he treats of divinity, history, biography, antiquities, tradition, and travels. He is by turns satirical, moral, grave, and gay. Though garrulous, he is never tedious. When somewhat spiteful he is amusing. His works are of a miscellaneous character, and contain many racy and original anecdotes of contemporaries; with jests, quips, and criticisms of his own. His vivid style and descriptive power are remarkable. "It is better," he says, "to be dumb than not to be understood. New times require new fashions, and so I have thrown utterly aside the cold and dry method of some authors, and aimed at adopting the fashion of speech which is actually in vogue to-day." His sarcastic

exposure of the ignorance, selfishness, and profanity of his times, occasionally borders on caricature, and even on what a more prudish age would regard as blasphemy. His denunciations of the numerous scandals connected with the King, his sons, and the Court may appear exaggerated; but they are abundantly confirmed by other though less graphic contemporary writers.

John of Salisbury, if not so vivacious, was a man of more profound learning and of wider range of observation. He studied for twelve years under renowned teachers, and became the central figure in the learning of that time; ending an illustrious career in 1180, at the age of seventy, as Bishop of Chartres. His curious treatise, 'Polycraticus,' is a medley of personal experiences and a repertory of information drawn from writers of antiquity: including poets, philosophers, historians, orators, the Fathers, and commentators. It is a series of miscellaneous essays in Latin on the topics of the day; furnishing social pictures such as can be obtained from no other source. Among the subjects treated in this copious and varied work are hunting, gambling, music, magic, omens, astrology, cosmogony, metaphysical theology, medicine, courtly arts, forms of government, war, sects of philosophers, marriage, slavery, the vices of the age, and almost every mundane topic, whether practical or speculative. For heterogeneousness it is comparable to Burton's 'Anatomy of Melancholy.' In the writings of the jovial and witty Walter Map or Mapes, the English Anacreon of the twelfth century (1150–1200), also a distinguished Paris student, there are similar instances of this kind of literature. He has been irreverently called, probably with injustice, "the drunken Archdeacon of Oxford." Archdeacons had a somewhat evil reputation in those days: but their functions were only quasi-clerical. John of Salisbury, who at one time was secretary to Archbishop Theobald, and must have seen and known much of life, propounds the scholastic question—"Is it possible for an archdeacon to be saved?" Their frays and escapades in the Italian law schools were matters of common fame. Most of them were appointed when very young, through family influence.

Mapes was remarkable for his wit and humour, and for

his contemptuous references to the men of his own profession. Doubtless, the vanity, restlessness, avarice, and pride of many of the clergy, and, in particular, of the members of the Religious Orders, gave ample scope for his satire. He tears the veil without remorse from their greed, their indolence, their ignorance, and their secret immorality. He was a marvellous retailer of stories; often extremely broad, and even coarse. He wrote sparkling songs; chiefly of a festive, not to say Bacchanalian character, which suited the rough humour of the Court. His best known piece, if it be correctly ascribed to him, is a drinking song, which has been frequently rendered into English; one of the most graceful versions being by Leigh Hunt. Mapes showed himself to be a man of the world, as well as a scholar. Besides being fertile in producing Latin rhymes, he wrote hymns and poems of edification, as well as songs and satires. His other writings abound in legends, stories, anecdotes, jests, and reflections; strung together in a careless, jaunty, but agreeable fashion. Their accuracy is sometimes open to question, and Mapes cannot be regarded as a veracious historian. But, as a matter of style, his appearance is noteworthy as one of this literary triad.

Belonging to the next century, Matthew Paris, the monk of St. Alban's, who died in 1259, was the greatest of the historians of his Benedictine Order, and the last of his line. He was a much more enthusiastic politician than any of the writers who preceded him, besides being more outspoken in criticism; though he says,—"The case of historical writers is hard. If they will tell the truth, they offend men; if they write what is false, they offend God." Intensely patriotic, he displays a strong bias against foreign favourites, and has little to say in praise of kings and popes, as a class. He lived in a period when his country was beginning to taste the sweets of liberty; the consummation of which was yet to be struggled for. As an Englishman, he groans under the humiliation and is indignant at the wrongs then endured; and he writes sharp and bitter things. Alexander Neckham (d. 1227) was a man who devoted himself to science, such as it was, in the twelfth century. In his 'De Naturis Rerum' are to be found what may be called

the rudiments of many sciences, mingled with much error, ignorance, and superstition. Neckham was not deemed infallible; even by his contemporaries. Roger Bacon says of him,—"This Alexander in many things wrote what was true and useful; but he neither can nor ought by just title to be reckoned among authorities." He had, however, sufficient independence of thought to differ from some of the Schoolmen of his time, who considered themselves the autocrats of literature and the sole depositaries of knowledge. He had his own views in morals; and in expressing these he throws much light upon the customs and general tone of thought of his day. William of Malmesbury gives a graphic delineation of the manners of this period. He reproaches the men for their effeminate and unsuitable dress; including the long, pointed shoes, turning up like a ram's horn, and fastened by a chain to the knee, and "the fore part of their heads bare, after the manner of thieves, while, on the back, they nourish long hair, like harlots."

Fashions run in cycles; and they always have a throng of eager votaries. Eccentricities of female dress, mentioned in the Old Testament, using the phraseology of the Authorized Version, such as hoods, wimples, veils, broidered work, mufflers, head-tires, sashes, mantles, shawls, and other miscellaneous articles, may be recognised under their continuous mutations at varying periods. On looking through illuminated manuscripts, with their pictorial representations of Mediæval costumes, it is noticeable how these are being revived, with but slight modifications, by the feeble inventiveness of modern dressmakers. To enter into such matters, excepting so far as they illustrate others of more importance, is superfluous. Details can be found, to an extent to satisfy the most finical and exacting, in works specifically devoted to human millinery and upholstery. In every age there have been too many with souls wholly given to dress and adornment, yet having no innate sense of beauty, grace, or fitness, who suffer themselves to become mere lay figures for exhibiting the freaks of fashion, regardless of health, comfort, appropriateness, or decorum. All that need be said is that the articles of English dress, for both sexes, continued to resemble those worn in previous

times; but the materials used by the wealthy were richer and more varied. Silks, furs, decorated leather, and fine cloth became general among the nobles. The shapes of the garments varied with the fashions introduced from Normandy and Mid Europe, and from the East through the great trading cities of Italy. An era of extravagance and luxury set in. Frequent references are made to it in sermons yet extant, and grotesque instances are seen in the illuminated manuscripts of the time. This love of caricature is perpetually displayed. Though exaggerated, it serves as a running commentary upon prevailing customs and manners for several centuries. Anselm threatened excommunication against men who wore long hair. Serlo, a Norman bishop, preaching before the English Court in 1104, denounced the fashion in such terms that his hearers consented to part with their flowing ringlets on the spot. Ladies wore long plaits, sometimes protected by silken cases of embroidery. Gloves, jewelled at the back, became a mark of distinction with the higher classes. Swords and helmets were similarly bedizened, in a spirit of barbaric splendour.

The eleventh and twelfth centuries hold a distinguished place in the annals of architecture. They mark a creative period. The edifices known as Norman are characterized by a massiveness that may be styled sublime; embodying in stone the ideas of strength and durability. Then came the Pointed Gothic and the Early English periods; the latter of which produced so many magnificent cathedrals, minsters, and churches, with "long-drawn aisle and fretted vault." (See Chapter XIX.) Numerous specimens still exist, even after the culpable and ignorant neglect of later times, and the equally culpable and ignorant zeal of modern church restorers. It is melancholy to reflect that Time has been far more merciful than man in the preservation of these ancient monuments. Ruthless wars, wanton damage, the exigencies of local rebuilding, and the absence of taste, knowledge, and a sense of fitness, have done much more than natural decay. Instances of careful preservation show what might have been general, but for lawlessness and indifference. Of Norman London, according to Mr. W. J. Loftie, the chief remains are the White Tower; parts of the churches

of St. Bartholomew, in Smithfield, and of St. Ethelburga, in Bishopsgate; and the crypts of Bow and of St. John's Priory. The work of erecting and adorning these structures must have involved prodigious expense and labour, patiently carried on during many years. William of Sens, architect of the cathedral of Canterbury and of numerous edifices in Normandy, was a skilful artist in stone and wood. Like other architects, and the most expert and ingenious workmen of the time, he was an ecclesiastic. In some churches, certain dignities and emoluments were assigned to such of the clergy as excelled in these departments, and in the arts of structural carving and adornment.

In military edifices there was a still greater change. The Norman castle, square, thick, solid, impregnable, placed on a commanding height; frowning over a city, or guarding a valley or a ford, was a badge of conquest. It sheltered those whom the Saxon Chronicle plaintively describes as "the devils and evil men" who wrought so much havoc and cruelty. Its horrible donjon keep was often the scene of sufferings and of torments unutterable. Windsor Castle, begun by William I., enlarged by Henry I., and entirely rebuilt under Edward III. by William of Wykeham, is the subject of one of Burke's boldest metaphors. He speaks of its "proud keep, rising in the majesty of proportion, and girt with the double belt of its kindred and coeval towers, overseeing and guarding the subjected land." These castles were built for purposes of defence and oppression, rather than of comfort. The latter was not considered at that time, or for several centuries, in ordinary dwellings, except in a rudimentary fashion. Wooden houses long continued to be common. The furniture was scanty and primitive. A board laid on trestles was the usual dining table: and an ordinary bench or form was the seat. The Normans were originally more temperate and delicate in their meals than the Saxons; but they became free and profuse. Frequent references are made by contemporary writers to convivial meetings in private houses and inns. Generous hospitality, though somewhat rough and coarse, seems to have prevailed. Monasteries had their open guest-houses, and travellers were seldom refused a

place at the yeoman's table. Wine was the common beverage with the Normans, as ale and mead were with the English; though the latter acquired a taste for wine long before the Conquest, and were in the habit of importing large quantities. Alexander Neckham sets forth the qualities of good wine; which "should be as clear as the tears of a penitent, so that a man may see distinctly to the bottom of his glass." When drunk, "it should descend impetuously like thunder, sweet-tasted as an almond, creeping like a squirrel, leaping like a roebuck, strong like the building of a Cistercian monastery, glittering like a spark of fire, subtle as the logic of the schools of Paris, delicate as fine silk, and colder than crystal." Cinnamon and other Oriental spices were in growing request for flavouring ale. Sugar was first tasted by the Crusaders on the plains of Tripoli. In a short time it became an article of import, and displaced honey in rich households as a sweetener of food.

Another important social force was beginning to operate, in the vast increase of the trading class. New and refined tastes in dress, diet, and architecture stimulated invention and developed industry and commerce. Flourishing towns were established. Civic Charters were obtained; some few of them before this period, but most of them subsequently; the exigencies of monarchs compelling them to yield commercial liberties and municipal powers. Thus the royal requirements were met, while the towns were protected from irregular taxes and arbitrary procedure. Inducements were held out to traders to take up their abode in such places, by the assurance of protection and safety. Before the reign of Henry I., marked advances had been made in these respects; but progress was much more rapid after the anarchical times of Stephen. What was to be known eventually as the great middle class had begun to assert itself. The merchant and trading guilds, existing long before, also began to obtain Charters to manage their own affairs as corporate bodies, and to regulate their respective trades; as is more fully described in the twenty-third Chapter. There were guilds of mercers, weavers, fullers, clothiers, goldsmiths, bakers, carpenters, and many other industries, not only in the great cities but in small and remote towns.

The process of gaining such privileges, in perpetuation and extension of Saxon usages, is by no means clear. It certainly was not fully completed during the Norman period. Yet the large number of Charters granted before the close of the twelfth century show that the policy of encouraging the growing trading class was fully recognised in England, as it was on the Continent. But the immediate object was more defined. To strengthen themselves against the baronage, the Norman kings after William I. conceded certain trade privileges and popular rights; thus, by an implied if not an avowed bargain, securing the gratitude and affection of merchants and handicraftsmen. All such concessions were purchased at a high price in hard cash. They had to be confirmed at every accession to the throne, with the inevitable accompaniment of additional payments; until rendered needless by the power and wealth of the towns. How well and loyally they repaid the confidence reposed in them, and the concessions and immunities granted, appears in the history of the country under Henry II. and his successors; down to the time of Edward I. It is the record of persistent struggles; out of which came at length a constitutional government and the securing of national rights.

London took a foremost place in these struggles. It had continued to grow in population and in wealth; and its commercial and political influence developed in proportion. The Charter of Henry I. confirmed ancient rights, jurisdictions, privileges, and customs. It was followed by other dearly-bought Charters, exempting the citizens from certain tolls, dues, and commercial imposts; and granting them leave to manage their own affairs and to elect their own Mayor. Assemblies, such as hustings, folk-motes, and ward-motes, which had come down from Saxon times, were perpetuated; as was the law or usage in the succession of land. From this, even the King was not exempt; so far as concerned royal possessions within the City bounds; beyond which, also, the men of London were not to be summoned in any cause. The Sheriff and the Justiciar—afterwards known as the Recorder—were to be of their own choosing. The former had jurisdiction over the remainder of

the county of Middlesex: which was held in farm of the King and his heirs. This continued until the year 1888, when new arrangements were made by the County Councils Act in the Shrievalty; and the sanction of the Crown is now required to enable the Recorder and Common Serjeant, the chief judicial officers, to perform their duties. With such recent modifications, the citizens of London have continued to exercise for more than seven hundred years, amidst all the mutations of ages and the cataclysms of civil war, the ancient municipal rights conferred or confirmed in Norman times. Other cities and towns had also become the centres of manufactures and trade. Exeter was renowned for the opulence of its inhabitants. There were many thriving towns in Devonshire and the South-West of England; which was then, and remained for generations, a populous and wealthy part of the country; using the phrase in a relative sense. Bristol, Chester, and Southampton carried on a large trade with Ireland and with the Continent. Norwich, Lynn, Lincoln, York, and numerous other places are repeatedly mentioned in legal and historical documents of the period, as busy, enterprising, and successful.

The example thus set by the monarch was followed by the great lords, who in some cases granted Charters to towns on their manors, with defined privileges; and in others sold the right to hold markets. At first, it was a struggle for bare existence; such as the purchase of leave to go in and out; to resort to a neighbouring fair; to regulate local matters in an elementary fashion; to gather wood in a forest; to cut turf on a common, or pasture sheep upon it; or to commute personal service in harvest time by a money payment. As a town prospered, the jealousy of its neighbours was aroused. There were encroachments upon alleged common lands, or upon rights of pannage in the forests, or upon the use of fords, or upon the fishing in a stream, and the use of the water-way for traffic or for grinding. Strenuous efforts also were put forth to secure trade privileges; which meant, in those times and for several centuries, absolute and crushing monopolies. Freedom of trade between contiguous towns and villages was unknown.

Protection, so far from being a modern practice, was then carried to ridiculous extremes. Each borough, hedged within itself, jealously watched the progress of its neighbours and treated them as foes. A new market, or a change of day in holding it, or the right to brew ale, or grind corn, or bake bread, often had to be literally fought for; even when a Charter had been purchased on onerous terms.

Outside the trading and artisan classes in the towns, was the large number who remained for generations in a servile condition. They were wedded to the soil, and were at the mercy of its lords. Political rights they had none. Their social position was as degraded as that of the helots in Lacedæmonia. Contemporary writers seldom allude to them; but from such stray hints and brief notices as exist, their state appears to have deteriorated for nearly three centuries. The Villein, as he was termed in Norman and early Plantagenet times, was in a worse condition than the serfs of earlier days. He had no rights of property as against his lord. He could not by a payment of money redeem any services claimed, for he was held not to have full possession of anything. It has been argued that this did not constitute actual slavery, because, while the lord had absolute rights over the villein, he had no actual property in him, and could not therefore sell him in the market. This is a distinction without a difference, and is a specimen of the special pleading so delightful to the pedantic legal mind. "Villein" is the French form of the Latin *villanus*; which meant, etymologically, nothing more than the inhabitant of a *vill*, or township. At the time of the Norman invasion, and long subsequently, it signified a tenant holding land under a lord, in consideration of certain rents, produce, or agricultural services. The legal term for such was *villeins regardant*. They were annexed to the land, and changed masters with every sale or transfer of the property. There were others, whose services were more onerous, whose position was more dependent, and who were little, if anything, above the state of bondsmen. They were bought and sold, irrespective of land. Their goods were held and their movements were regulated merely by the lord's permission. Early lawyers always

speak of these as *villeins in gross*, or "villeins by blood," and are careful to discriminate between service due in respect of land and the personal condition of the holder. By later writers this was overlooked or confused.

One result is the extraordinary and inaccurate definition of copyholders, given by such an authority as Blackstone ('Commentaries,' ii. 95), who says, they are "in truth, no other than villeins, who, by a long series of immemorial encroachments on the lord, have at last established a customary right to those estates which before were held absolutely at the lord's will." The precise fact is the reverse of this. By a long series of encroachments and fictions, the lords of manors, and lawyers acting for them, have deluded people into the belief that the lord's will or caprice was the origin of customary rights which were really absolute, and thus independent of him. Hence it is easy to understand how, even in that age, the common people were subject to the rule—often a merciless despotism—of their feudal lords. The land was still dotted with castles at every ford and bridge; at the intersection of great roads; and on every commanding point. These castles, even after the destruction of many built during the troublous times of Stephen's reign, were the abodes of men who exercised criminal jurisdiction from which, practically, there was no appeal, and who immured obnoxious persons, in default of paying heavy and arbitrary fees, tolls, and fines, in their private dungeons, or left them to swing and rot on their private gallows. Manorial courts were engines of oppression and tyranny, where plunder was extorted under the guise of fines for imaginary offences; and, though greatly curbed and modified, they have by no means ceased to exist.

Of the million and a half of people who are reasonably estimated to have inhabited England at this period, a considerable proportion—perhaps nearly one-third—were in a condition of virtual serfdom. Those who are disposed to listen to romantic and illusory tales about Merry England, and "the good old times," should remember this fact. At the commencement of what may be regarded as the era of true English history, the mass of the labourers were in a state of abject wretchedness, if not of actual bondage. The narrative of the

changes in their political and social position, though exhibiting, on the whole, progressive amelioration, is lamentably slow and imperfect: with frequent recessions. But in process of time, if the lord of the soil treated the villein as a freeman, by vesting in him the ownership of land, or by accepting feudal homage, or by entering into an obligation under seal, or by pleading in an ordinary action, the law held that he could never afterwards retract, and treat the man as a mere villein. These mitigations of servile tenure helped, in conjunction with other circumstances to be detailed, to effect a marvellous social revolution. The subject of villenage perpetually arises down to the end of the fourteenth century, in connection with the Statutes of Labourers, and with such popular outbreaks as those of William Fitz Osbert, or Longbeard, in 1196, and of Wat Tiler, in 1381; when the abolition of slavery was formally demanded and conceded. True, the promise was cancelled as soon as the panic was over; but, before the rising under Jack Cade, in 1450, a mighty change had been silently effected, and slavery had ceased. The Church discouraged it, as was shown in the fourth Chapter, and she interposed to check the violence of feudal quarrels. She set up a public conscience in the affairs of nations, which operated beneficially until overpowered by latent corruptions within her own pale.

It is difficult to imagine a more rigid and minute police and judicial system than the one that existed in England during the period under review, and down to a later age. By a perpetuation of the customs of earlier times, every town and every village was answerable for its inhabitants, and every lord for his vassals and tenants. Trade guilds were interested in the conduct and the fortunes of their members. A strange comer in a place, unless entitled to bear arms, or a cleric, was required to enter and leave his host's house or the inn by daylight. He could not be harboured for more than a single night out of his own tithing. Twice a year, the County Court instituted a rigid inquiry whether fugitive serfs were within its jurisdiction. The only chance for a runaway, or for any one wishful to rise out of a lowly condition, was to take refuge in a large town. This, however, was

not easy of attainment. The town had a kind of personality; with rights similar to those of a feudal lord. Those rights were exclusive and selfish, and were jealously exercised by a trading oligarchy, who enforced local rules and customs that had all the authority of law. Outside these privileged traders, with their guilds and mysteries, were the mere hewers of wood and drawers of water. Existing burgesses were indisposed, moreover, to share their franchises with strangers who had nothing to bring into the common stock, and who might prove to be incumbrances. These were the people whose lives were precarious. Like the agrarian toilers, they had no rights, and little or no property. They were of no account in municipal or general politics. They rotted and perished and were forgotten in seasons of drought, famine, or pestilence. They were thrust aside and trodden down pitilessly by knights and burghers in times of war. They passed away; their moans and sufferings were unheeded; they were wretched, oppressed, helpless, and dared not speak; and History, as then written, took no concern with them, but disdained to record "the short and simple annals of the poor."

CHAPTER X.

CONSTITUTIONAL AND LEGAL DEVELOPMENTS.

A.D. 1154–1189.

Less than a century elapsed between the hostile landing of William of Normandy in Pevensey Bay and the installation in 1154 of what is commonly known as the Plantagenet Line. Four monarchs of alien race, speech, manners, and habits had occupied the English throne. This was regarded by three of them merely as an appanage to the much larger Continental dominions, where their interests chiefly centred, and where the greater part of their lives was spent. Just as the first and second Georges, who were brought here six centuries later from Hanover, with their ungainly mistresses and

their needy and greedy courtiers, could understand but little and spoke less of the language of this country, so was it with the Norman and early English monarchs. French was the speech of the Court, and its tastes, sympathies, and aims were foreign to those of the people. Strictly speaking, Henry II. (b. 1133, r. 1154–1189) was the founder of the Angevin dynasty; for the word Plantagenet—from the *planta genista*, or sprig of flowering broom, originally worn as a badge—was not used as a descriptive surname for the family until the fifteenth century. Nor was he, though ruling over England, Normandy, and Aquitaine, nationally identified with any one of these countries, and his subjects were aliens and strangers to one another. Henry's position, like that of his predecessors, was that of a puissant French prince, who regarded this country as a dependency. To its people, he was "the King beyond the sea"; as William Fitz Stephen says in his 'Life of Becket,' to whom he was clerk during the Chancellorship.

Another incidental illustration of the alien feeling towards Henry II. appears in his nickname of Curtmantel, from the short Angevin cape worn on the shoulders; stamping him as a foreigner among both the English and the Norman knights, with their flowing fur-lined cloaks. His prolonged absences abroad gave rise to much trouble and delay, in the frequent necessity for submitting cases to his personal decision. Writers of the time continually complain of this. They narrate, evidently from unhappy experience, the discomfort, expense, and danger to which officials and suitors were put in having to cross the Channel in all weather, in the cockle-shell boats, not larger than fishing-smacks, which formed the only means of transport. The affairs of the King's Continental possessions were intricate and important; involving habitual residence there. He was Count of Anjou, which, with Touraine, he inherited from his father; and Duke of Normandy, which, with Maine, was derived from his mother. Through his brother, he governed Brittany, of which, as Duke of Normandy, he was also feudal lord. By his marriage, at nineteen, with Eleanor, he added the vast territory known as Aquitaine, whose extent surpassed that of his Norman

and Angevin dominions. Combined, all these were nearly double the size of England. Aquitaine comprised Guienne—a corruption of the former name—and Gascony; Poitou, Limousin, and Perigord; with claims of suzerainty over Toulouse and Auvergne.

Thus he held the richest and most beautiful provinces of the West and South-West of France, from Nantes to the Pyrenees; a territory four times larger than was ruled at that time by the Kings of France. This led to incessant complications, disputes, and wars. The nominal vassal was, in reality, far greater than his feudal lord, who was hemmed in by his subordinate, and had access only to small portions of the Mediterranean and the North Sea. But Henry held his straggling possessions by different titles, and his right to many of them was challenged. Moreover, there was no common bond uniting the miscellaneous districts within his titular rule. The character and habits of the people differed, like their respective climates and the products of the soil. Most of his time was spent, and his energies and skill were tasked, in endeavouring to weld these heterogeneous interests, and in laborious and fruitless attempts to build up an unwieldy empire out of such diverse materials. At numerous points his scattered territories impinged upon Flanders, upon the Empire, and upon Spain—then emerging from Moorish bondage—as well as upon France, with which he was intimately identified. He was more of a European magnate than a ruler of England, which saw him for only a little more than one-third of the time during his thirty-five years' reign. However, he hastened to his insular kingdom when tidings came of the death of Stephen. The coronation took place at Winchester, on December 19, 1154, amidst much pomp and splendour, and before an immense concourse then attending the winter session of the Witan; which does not appear to have been convened during the recent troublous times. Weary alike of anarchy and of the tyrannous rule of powerful nobles, the nation hailed the advent to the throne of one who had no rivals, either by alleged heirship or by force of arms. The turbulent barons were curbed. Those who openly resisted were crushed. A Charter of Liberties was

granted; confirming those which had been enjoyed in preceding reigns. Popular opinion was beginning to assert itself in unmistakable and potent forms. William of Malmesbury quotes *Vox populi, vox Dei*, as a proverb of which the significance was then well understood. Gradually, out of the exigencies of the time, there arose modified forms of practical administration, as public affairs settled and consolidated. Henry was aided by sagacious and competent administrators, such as the circumstances required and developed; for the imminent occasion always produces fitting instruments. Three groups of events have to be considered; relating to the settlement of the judicature, to ecclesiastical affairs, and to Ireland. These were of deep and lasting importance; far beyond the projects in which Henry was absorbed on the Continent, and into which it is needless to enter at any length.

Three conflicting systems of jurisprudence obtained in England, besides innumerable local customs; varying in their character, but having the force of tradition and usage. The ancient Common Law had come down from the Saxon era; and the general sentiment was opposed to its codification. What had grown up loosely was left vague and indeterminate. There had been attempts at the formation of Codes, as already described, but these only asserted general principles which might guide future decisions. Consentaneously with this, had grown up the Canon Law of the Church; originally based on the Bible, the glosses of the Fathers, and the decisions of General Councils. Then there was during the twelfth century a great revival on the Continent of the study of the old Roman Civil Law; with some reflex influence upon this country. Professional lawyers admired it as a philosophical system; but the nation, as a whole, tenacious of ancient customs, and the barons, in particular, inflamed by recent feuds with the clergy, were jealous of any infringement of the Common Law. The great prominence given by the Normans to the extreme theory of royalty, and to its supposed dominant powers, was certainly not derived from aristocratic Saxon times, or from any disposition of the Church to exalt civil rulers. In a general sense, it may be said that the

Crown and its lawyers favoured the Civil Law; the barons and the people the Common Law; while the Church stood by its Canons, to which were subsequently added the Decretals, derived from the opinions of the Fathers, Popes, and early Councils.

There arose, however, what may be described as a kind of national usage, composed of Legatine and Provincial Constitutions adapted to the particular necessities of the English Church. The former were ecclesiastical laws enacted in National Synods held under Cardinals Otho and Othobon, Legates from Gregory IX. and Clement IV., in the reign of Henry III., about the years 1220 and 1268. The latter are principally the decrees of Provincial Synods held under various Archbishops of Canterbury, from the time of Langton to that of Chicheley, in the reign of Henry V.; and adopted by the province of York in the following reign. When Vacarius, a famous Lombard scholar and jurist, came to Oxford in 1149, and lectured on the Institutes of Justinian, he brought with him treatises on the Civil and Canon Law. John of Salisbury states that the feeling against them was so strong, that the copies were torn up or burned; and the lecturer had to withdraw. Yet the revived study of Roman Law had an influence on the spread of orderly and equitable jurisprudence. At a later period, Bacon declared that more wisdom was contained in Aristotle's few chapters on laws than in the whole civil code. Remembering all this, it is easy to understand the action of the English barons. As a system, the philosophical aspect did not concern them. As practical men, they saw that the country was suffering from conflicting tribunals. They demanded the maintenance of what they regarded as the ancient and approved laws of England; meaning thereby that no fresh intricacies should be introduced, and especially that the foreign priest should not win another domain from their people.

The earliest known legal treatise, 'Tractatus de Legibus et Consuetudinibus Regni Angliæ,' was compiled by Ranulf de Glanvill, the Grand Justiciar, in the latter part of the reign of Henry II. It was only a book of procedure; but was followed in the next century by such

legal works as those of Bracton and Fleta. The authorship of the latter treatise is unknown; but the name is derived from its having been written in the Fleet prison, about the year 1285, from internal evidence. Sir Henry Maine ('Ancient Law,' p. 82) comments on the plagiarisms of Bracton, in the time of Henry III., who imposed on his countrymen as a compendium of pure English law a treatise of which the entire form, and one-third of the contents, were directly borrowed from the 'Corpus Juris,' and this at a time and in a country where the systematic study of Roman Law was proscribed. Judges and lawyers began to occupy themselves with the scientific study and arrangement of decisions. Richard Fitz-Nigel, Treasurer of the Exchequer and Bishop of London the grandson of Roger of Salisbury, who originated the administration of the Exchequer Court, which continued in his family for more than a century—Roger de Hoveden, the King's clerk; Richard de Lucy, who was Chief Justiciar for twenty-five years; and Glanvill, who succeeded him and died in 1190, are among the legal luminaries of that age. Precedents set by such distinguished occupants of the Bench form an important part of that Common Law of England which has been slowly maturing for centuries. Their work can be better appreciated now that it is judged by ultimate and unintended results. It pressed heavily at the time, and was regarded by those outside the official circle as a new and terrible engine of regal extortion.

Glanvill makes Henry appear just, discreet, and merciful; renowned for equity and for protecting the poor and lowly. Sober truth compels the alternative portraiture of a capricious, dictatorial, passionate, and sometimes cruel King; subverting for personal and diplomatic ends both natural justice and the ancient customs of the realm. No one was so exalted as to be beyond the reach of his arbitrary power, or so insignificant as to escape his searching tyranny. He was energetic, prompt, resolute; always in motion; rapidly traversing the country during his occasional and brief residence; observing, hearing, and deciding innumerable cases. But even without the strain upon his time and energy

caused by his vast foreign dominions, and the need for his frequent and prolonged visits to the Continent, he could not have accomplished all that his eulogists claim for him. Between the two or three customary gatherings of the Great Council every year, there were frequent meetings of what was, in effect, an inner Council, or, to employ a modern phrase, a Standing Committee. There are glimpses of such an advisory body prior to the Norman days; but after these it took practical shape. It is the origin of what is so constantly spoken of in the Records as the *Curia Regis*. It was the Executive Committee of the Great Council, just as the Cabinet was formed long subsequently out of the Privy Council. The entire body was too large and unwieldy; and urgent matters arose in the intervals of the formal meetings, and had to be promptly dealt with.

A remark already made, that the Norman phrase, the King's Court, meant, in reality, to a large extent, the royal despotism, is applicable to the legal administration of those rulers who, for convenience' sake, may be styled the Early Plantagenets. The delay, trouble, expense, uncertainty, vexation, and the wrongs endured in attempts to obtain justice, sound incredible to modern ears. Even now, Themis is too often halt and deaf, as well as blind, and there are still too many scandalous instances of the law's delay, technicality, and costliness, and of the proverbial obscurity of its oracular deliverances. Seven hundred years ago, things were far worse. Suitors had to undertake toilsome journeys and perilous voyages, at enormous cost, to obtain from the monarch a license, or a writ, or the royal seal, as an indispensable preliminary to any procedure. Wealthy defendants and wrong-doers could interpose obstacles; or purchase from legal pedants their aid in raising technical flaws and faults; or could make away with inconvenient witnesses; or bribe the judges and other officials. The hearing of a cause might be postponed again and again, almost indefinitely, or appointed for a distant place, after all the evidence had been collected at great cost and labour. When, after such wearisome and heart-breaking delays, judgment was procured—and many abandoned their rights in despair, long before that stage—it could not be

enforced without more fees, presents, and bribes to a hungry crowd of Court harpies and myrmidons, from the Queen downwards. Part of her dowry was wrung out in this fashion. At every stage in an action, usage prescribed or power extorted a present from both parties to the suit: an objectionable practice that continued down to the time of Lord Bacon. Money was omnipotent in the royal courts. Officials were expert in those times in devising difficulties, tardy processes, and vexatious adjournments, for the advantage of one side, and in removing them on the other; always for a valuable consideration. Efforts have been made to explain away all this, and to make it appear that such payments were not made or received as bribes; but the evidence to the contrary is overwhelming. The spirit of resistance, even when aroused, was not sufficiently strong, or was not under guidance sufficiently wise, to impose adequate restraints upon arbitrary authority. In due time, safeguards arose to the Constitution. Monarchs learned the salutary lesson that the people also possess rights, which are not to be withheld or violated with impunity. To remedy such flagrant evils, and to put a stop to the scandalous sale or restraint of justice, was one of the main objects of the Great Charter of 1215.

Originally, the King's Court literally involved the presence of the monarch, and was itinerant; from the exigencies of the times. The King was a great landowner. Payments were made chiefly in kind, so that he had to move from one place to another with a numerous retinue to consume his rents. Wherever he went, complaints were heard on matters with which the local courts could not deal, or had adjudicated unsatisfactorily. A swift decision was taken, and summary procedure, that was not always justice, was administered. To enforce the decisions had been a constant aim with such sagacious and upright rulers as Alfred. Judicial business absorbed much of his time; and although, as was inevitable, there were occasional murmurings and resistance, these arose from wrong-doers, and from privileged persons who expected immunities that he would not grant. He was occupied in the correction of injustice, says Asser, his friend and biographer, "day and

night, for in that whole kingdom the poor had no helpers, or but few, save the King himself." Under Angevin rule, the *Curia Regis* became in a more marked degree the supreme tribunal of judicature, in which the monarch was aided by his chief counsellors. These originally comprised all the tenants-in-chief of the Crown, but were afterwards restricted to certain great officers of State, and specially appointed judges from those who were constantly with the monarch. Gradually their powers were extended, and other forms and names were given, as in the case of the Star Chamber, under Henry VII., and of the Judicial Committee of Privy Council in later times. But the origin of many of the high functionaries is involved in much obscurity, and has been the theme for endless conjecture and dispute. The only explanation is that a system was slowly formulated as necessity arose.

The matters dealt with were varied and endless; embracing all that could affect the royal interests, or that came up by appeal from local courts. Questions relating to the ownership of land, to tenure, heirship, guardianship, assessments, and criminal offences of all kinds, were heard and settled in this way. Owing to Henry's frequent and prolonged absences abroad, Circuit Courts were established, and the Barons of the Exchequer went out as Itinerant Justices. By this title they were first called in 1176; but it was only the extension of a custom dating back for a long period. It is certain that there were Judicial Eyres early in the twelfth century, and that Commissions had been frequently issued for special purposes; though the functions and status of the judges cannot now be defined, for lack of authentic information. Most suits must have been decided before the Sheriffs in the County Courts, which were still held for their ancient purposes, as in Saxon times. Various abuses which had crept into them, and schemes for illegal exactions, were swept away before the reforming spirit aroused in the country. This led to the appointment of occasional judges, superior to the Sheriffs. By the middle of the twelfth century, the judicial work of the *Curia Regis* had so grown that the King and his regular assistants could not dispatch it. As a matter of

convenience much of it was transferred to the officers of the Exchequer; a phrase that first occurs in the reign of Henry I., although there must have been something correspondent under his two predecessors. In his time, payments in coin of royal dues began to supersede the ancient custom of payments in kind. But the main idea comes from the days of Henry II. In the Exchequer Court was transacted the whole fiscal business of the country. The name was derived from the chequered cloth on the table at which the accounts were rendered. The officials, when the arrangements came to be perfected, included a Justiciar, who was the president, a Chancellor, a Constable, two Chamberlains, a Treasurer, and a Marshal, with subordinate functionaries. Every half year, at Easter and Michaelmas, the Exchequer Court met in the palace of Westminster. Records of the business done, of the persons appearing, and of payments received and made, were carefully kept. The Great Roll of the Pipe—so called from its shape—as made by the Treasurer, is complete from the second year of Henry II.; and it exists in fragments from an earlier date. The Chancellor's Roll, a duplicate of this, is almost perfect. The Sheriffs of the counties made their returns to the Barons of the Exchequer, and receipts were given in the form of wooden tallies. These were long slips, with notches cut in the edges to denote by certain shapes the sums paid. The slips were then split down; one half being given to the person paying, and the other half retained in the Exchequer. When both were produced, they had to tally, or agree in the notches. The object of this practice, which continued until 1782, like the indenture on the top of legal parchments, was to prevent fraud. A vast accumulation of tallies, used for heating the stoves in the House of Lords, caused the destruction of the Parliament buildings in October, 1834.

Rents from Crown lands, their produce in kind, feudal dues of all sorts, taxes, fines, receipts from the sale of offices, a number of nondescript payments, and not a few that were arbitrary, had to be minutely accounted for in this manner. It can still be seen from existing records how narrowly the royal officers scrutinized the affairs of every man who possessed any property, so that the royal

claims, whether actual or potential, might be fully discharged. Everything was made to contribute to the King's revenue, which was then in reality the personal matter that now exists only as a ridiculous verbal fiction. Thus the Exchequer was the chief instrument of government, having tentacles that were in perpetual motion on every side, solely for the purpose of adding to the royal purse. It was not in human nature to evade any chance of escape from this ubiquitous and prying institution. The tone of public morality needs to be heroic, and even saintly, for men not to seek to escape the payment of taxes, even under the best of governments; much more was this the case under the grasping despotism that prevailed in Norman and subsequent times.

The Assize of Clarendon, in 1166, which marks an important judicial epoch, must not be confounded with the Constitutions of Clarendon, as settled two years earlier, mainly for other purposes, to be presently referred to. The Assize is a noteworthy document. It was framed in a Council described as consisting of the archbishops—though Becket was absent—the bishops, abbots, earls, and barons of all England. Twenty-two Articles were agreed to, and were furnished to the Justices Itinerant for their guidance. The first six describe the manner of the presentment of criminals; perpetuating and extending the old Common Law in the matter of inquests by juries. By the other articles, all men were required to attend the Courts; no franchise might exclude the Justices from the discharge of their duties; no one might entertain a stranger without being responsible for him; Sheriffs were to assist one another in the capture of fugitives; and other measures were designed to strengthen the royal power by checking that of the barons. Ten years later, in 1176, the Assize of Northampton gave fresh and enlarged instructions. In the interval, there had been an outbreak of discontented barons, and a miniature civil war. Some of the Articles refer to this, and the expanded jurisdiction arose out of political complications. The general instructions for the guidance of the Justices Itinerant evince what were their primary functions. They were to look after the royal interests to the utmost of their ability; to ascertain what

wards ought to be in the royal guardianship, with the present value of the estates and the persons in charge; what marriageable females were at the disposal of the Crown, and the rental of their property; what livings were in the royal gift, who held them, and the annual value; what lands had lapsed through forfeitures and lack of heirs; what encroachments had occurred on the royal demesnes; the fines in the hands of Sheriffs; and unclaimed property of Jewish usurers. They were further to inquire into the coinage; markets held without license; burglaries, outlawries, and other crimes; and generally into everything that ought to be made to yield dues and profits to the King.

This recital of the duties imposed upon the Justices Itinerant shows what was deemed by the monarch to be the most important part of their functions. Their first and foremost duty was to promote his interests, to maintain and extend the prerogative, and to replenish the royal coffers; so often exhausted by royal profligacy and extravagance. To such an extent was this the case in the judicial visitations of 1166 and the following years, that the mechanism ostensibly employed for repressing crime was regarded, not unreasonably, as a contrivance to raise money. Nothing can justify such an arrangement; and it is not surprising that loud murmurs were heard, and threats of open resistance. Abundant testimony exists in proof of this; and the evil culminated in the next reign. New laws and fresh taxes affecting the community required the sanction of the Great Council, which was supposed to represent the nation. But there was no security for individuals against acts of prerogative, such as modern opinion would instantly condemn as being arbitrary and tyrannical. Much of the legislation from Norman down to Stuart times consisted of unwarrantable interferences with personal liberty, and of vexatious restrictions on industry, trade, and commerce. Innocent and unintentional violations or neglect of merely technical rules involved heavy fines. Kingly authority was strained to the utmost for the sole purpose of filling the Exchequer. Under the guise of legality, scandalous injustice was often done. Modern legislation has been largely directed to the repeal of mischievous

and meddling enactments of former times. Every great reform which has been effected, has consisted, in the main, not in doing something new, but in undoing something old and pernicious.

One useful tendency of the legal procedure consolidated in this reign was to curtail the power of the barons, by restricting and overriding their local jurisdiction. Hitherto, they had been petty despots, from whose absolutism there was virtually no appeal. The Norman kings sought to overcome this, with only partial success. Bacon remarks,—"The multiplying of nobility and other degrees of quality, in over-proportion to the common people, doth speedily bring a State to necessity; and so doth likewise an overgrown clergy, for they bring nothing to the stock." Under the new system, Justices Itinerant were instructed to enter every baronial court and franchise, and were empowered to take cognizance of every relict of old monopolies and immunities; such as raising troops, levying war, coining money, and exercising local authority. Not immediately, or without a long struggle, was the feudal power surrendered: but, whether intended or not, a blow was administered that soon proved fatal. Feudalism never again reared its head so high as to be formidable in England. It continued to exist as the legal machinery of land tenure, and as a principle of loyalty and national cohesion. As a system of government, so far as this had prevailed in a modified form for less than a century, it was virtually at an end. The executive power was wrested from it through the steady operation of the courts of law, and its military strength was subordinated to the general good.

Another step in this process of lessening baronial power was taken by the introduction of the system of Scutage, in connection with the Welsh campaign of 1157, and with the war in Toulouse in 1159. Already, the prelates, who held their fiefs subject to military service, had been permitted to compound by a money payment. The precedent was now followed and extended. Vassals bound by ancient usage to personal service in the field for a given number of days, were allowed instead to pay a fixed sum for Scutage, or shield money; usually at the rate of two marks, or twenty-six shillings and eight-

pence, for each twenty pounds of annual value. With the money thus raised, mercenary troops were hired for the Continental wars. The monarch found himself at the head of an army under his own control, but maintained by the barons and knights. When they attempted a revolt in 1173, it was suppressed, by a sort of ironical justice, by instruments whom they had unwittingly provided. No armed insurrection of the barons, as a class, and for their exclusive interest, was possible in subsequent times. When they arose successfully against the regal tyranny of John, it was at the head of the people of England, for objects common to all, and under the guidance of the patriotic English Cardinal, Stephen Langton. There were further contests between monarchs and the baronage, until the latter were finally and for ever shattered by the Wars of the Roses.

Besides the lessening of baronial power by subjecting local courts to a supreme judicature, and by the levying of Scutage, a third step was taken in the same direction by choosing lawyers and subordinate vassals of the King for the office of Sheriff, instead of continuing to bestow it on the greater barons or their nominees. Some of them had acquired by custom a prescriptive right: if not hereditary succession. They frequently exercised their authority in an arbitrary manner for their own enrichment. Now, they were set aside, and their places filled from a class likely to prove more tractable; under rules and an authority emanating from the *Curia Regis* and the Exchequer; whose provincial jurisdiction was thus extended. Towards the close of the reign, in 1178, the number of judges was reduced to five; two clerics and three laymen; all chosen from the King's household. Certain matters were reserved for hearing by the King in Council. At a later period, this developed into the equitable jurisdiction of the Chancellor, and into the judicial functions of the Privy Council. Finally, in 1181, the Assize of Arms defined more precisely the military obligations of the people in the service of the King and the defence of the country. It declared the duty of every freeman to bear arms. Justices Itinerant were to ascertain through the "lawful men" of the Hundreds and towns the number of persons under the

different categories, and compel them to take oath to furnish themselves with specified accoutrements. Knights were to be equipped in full panoply; burghers and simple freemen were to have mail-coats, steel caps, and spears. These were to be kept in due order; to be used solely for public purposes; and not to be taken out of the country or alienated in any way. This system of national militia was a revival of the old Fyrd, and was an additional effective counterpoise to the power of the barons. There was no paid standing army. Every man was either a warrior or a priest, unless maimed in some way. This explains the large nominal armies so often mentioned during the Middle Ages. Their real strength, however, did not consist in their numbers. Dependence was chiefly placed on the iron-clad knights and men-at-arms, and, at a later period, on the trained archers. The thousands of camp attendants and followers of low degree, if referred to at all by the Chroniclers, are spoken of in terms of contempt as a rabble rout. They sometimes describe with high glee how mounted warriors, clad in armour of proof, rode down and over these people, who followed their lords with such clumsy weapons as they could procure. The method of levy explains also how huge armies melted away in a few weeks; for when the allotted term of service had expired the men returned to their farms and industries.

Before the close of the twelfth century, the functions of the Exchequer, as a judicial court, were defined and settled: as is fully explained by Bishop Stubbs and other constitutional authorities. The figment of some legal pedants, set forth with such tedious prolixity, that the monarch had been from time immemorial, if not from all eternity, as by prescriptive right from Heaven, the Fountain of Justice, may be dismissed with contempt as an idle dream. He became so, in a sense, as Freeman points out, not by inherent right, but because circumstances conspired with inclination to arrogate more and more executive authority. English practical common sense is gradually brushing aside the fantastic subtleties and pettifogging devices from which archaic minds derive nutriment. The immunity of jurors in their findings, even against the direction of the Bench, was not

legally established until 1670, in the famous case of Bushel, described in the sixty-first Chapter. Trial by jury is an ancient, a sacred, and an inalienable right. When it originated, and who devised it, cannot be determined. As has been already shown, it was not the invention of Ælfred. Nor did it arise in its present form during Norman times. What are known as Inquests by Recognition, in the compiling of Domesday Book, and in the Great Assize of Henry II., were not trials by jury in the modern acceptation, any more than the Compurgators of Saxon times. Those jurors gave their verdict as witnesses, from facts within their own knowledge, and were not called upon to determine matters of fact from testimony laid before them. In a general sense, it is permissible to speak of the system as existing in the time of Henry II.; always bearing in mind the essential points of difference from the jury of the present day. It was a growth; and the full development was not seen for generations. To determine the stages is as impossible as it is to fix the dew-point.

As legal processes gradually assumed form and fixedness, the custom was for the Justices Itinerant to have "four lawful men" impanelled from every township, and twelve from every Hundred, as "recognitors." By the close of the reign of Henry II., or the beginning of that of Richard I., four sworn knights, summoned for the purpose by the Sheriff, chose twelve men, who were sworn to examine into disputed claims about land. They were also to declare such persons as were suspected of crimes with which the inferior courts could not deal. If a suspected man fled, he was outlawed. If he refused to plead, he was subjected to close imprisonment, with low diet. This developed into the barbarous treatment which received legislative sanction in the time of Edward I., known as *Peine forte et dure*, in order to overcome wilful obstinacy. Cases occurred of known felons submitting to the excruciating torture of being pressed to death by heavy weights, in order to prevent a confiscation of their goods. This horrible practice continued until 1772, when it was virtually abolished by Statute. A grim verbal memento existed until 1890, in what was known as the Press Yard, in Newgate. When the accused pleaded,

and stood his trial, he might elect between Wager of Battle and the judgment of his peers. In the former case, defeat was held equivalent to a verdict of guilty; the duel being considered in the light of an appeal to the Deity. But victory did not ensure an acquittal; for the judges might imprison him, if there were grounds for suspicion. Where the evidence was not strong enough to convict, there might be an appeal to what was called the Judgment of God, or the Ordeal by Fire or by Water, as in Saxon times. This, however, was abolished in 1219. Forty years later, another ancient custom was ended, by which, in the event of a dead body being found, the inhabitants of the district were required to produce the murderer, or to pay a fine to the Crown. Such a law must have stimulated the local police sentiment at the expense of morality; for it was certain to go ill with an unpopular or useless man when the Township might save money by getting him hung. The trial by single combat, or Wager of Battle, survived for many years. Though it gradually fell into disuse, it was not formally abolished until 1819, when an accused murderer escaped a second trial by affirming his right to single combat with his accuser. This led to the passing of a Statute whereby the ancient custom was abrogated.

CHAPTER XI.

THE CHURCH OR THE STATE.

A.D. 1154–1170.

THE prolonged and fierce struggle between the State and the Church, as represented by Henry II. and Archbishop Becket, was only a personal form of the old contest between the temporal and spiritual authorities. It was the logical but disastrous issue of the action of William I. In treating upon it, various writers have shown keen partisanship. The dispute is not to be regarded in the light of modern opinions or prejudices. Henry and Becket were two remarkable men in a

remarkable age. They engaged in a hot controversy on matters which would not now provoke discussion, but on which contrary sides were then taken by the wisest and the best of men. It is essential, in judging them, to endeavour to realize their position, so as to see things as they saw them, and to estimate the influences that operated so powerfully. The Archbishop is the representative of sacerdotal supremacy, and the monarch of kingly authority, and also unconsciously and unintentionally, of national liberties. There had been preliminary skirmishes in former reigns, by such champions of the respective systems as William I., Rufus, and Henry I. on the one side, and Lanfranc and Anselm on the other; but the battle was now to be fought to the bitter end. England was about to take her share in that memorable contest with the Romish hierarchy which had long agitated Europe, had shaken the German and Italian thrones, and was not finally terminated for nearly four centuries. The claim advanced by successive Pontiffs, following the initiative of Hildebrand, was that of a universal and unlimited sovereignty, which, under the guise of a spiritual supremacy, insidiously embraced and controlled all mundane affairs. According to the Canonists, the Pope was as far above all kings as the sun is greater than the moon. The immediate and sole rule of the world belonged to him by Divine right. It was held as a point essential to salvation that every human being was thus subject to him. He alone could determine as to truth and error. It was his to confirm or to set aside laws. He might create and depose monarchs. This doctrine could, it was said, be denied only by madmen, or at the express instigation of the devil. To doubt it was more pernicious than to err concerning the Sacraments, or to commit any of the Seven Deadly Sins. All nations and kingdoms were regarded as under the jurisdiction of the Vicar of Christ on earth. To him was said to have been delivered all power and dominion.

Such were the inflated pretensions set forth without disguise or hesitation by Roman apologists and exponents of that time. Apart from questions of theology, such arrogant claims struck at the root of civil society.

Supreme headship was asserted, not only in things spiritual but in things temporal; with absolute infallibility for the Pope's decrees. He was constituted at once legislator, judge, and executive. From his decisions there was no appeal. They were enforced with tremendous and awful penalties, affecting alike body and soul, in this world and in that to come. It is useless to conjecture what might have been the issue of the conflict eventually waged by Innocent III. (b. 1161, r. 1198–1216) if he had long survived. From all that is known of his character and career, he would have plunged into the fray as hotly as did Hildebrand, a hundred years before, and would not have hesitated to employ all the bolts in the Papal quiver, so as to effect the complete subjugation and abasement of England, in common with the whole of Christendom. The famous dispute about the investitures with prelatical insignia was only the occasion of an imminent strife. It was a revival of the old dispute, whether it was lawful for the sovereign to bestow upon bishops the crosier and the episcopal ring, as signs of the allegiance due from them for the temporalities of their benefices. This involved a negative on every appointment. Popes claimed it as their exclusive possession. Kings refused to concede the claim.

During the fifty years since the death of Anselm, whose struggle on a similar point with Henry I. ended in a compromise, the Romish court had increased in power, and its assumptions had become greater. Every opportunity was seized to extend and consolidate the influence of Rome. Appeals were encouraged on points of doctrine and discipline, and on disputes in civil matters. There was but a shadowy line between legal and moral questions. The internal administration of kingdoms was constantly interfered with. An *esprit de corps* was fostered among the clergy as a separate order. Monasteries and abbeys, of which one hundred and fifteen were built in Stephen's reign, and nearly as many during that of Henry II., were exempted from episcopal jurisdiction, so as to attach their inmates to Rome. A conflict was inevitable between the temporal and the spiritual powers. It was only a question of time and circumstances, combatants and weapons, and a chosen

battle-ground. A vivid picture of the prevailing ecclesiasticism is presented by Carlyle, in his 'Past and Present,' in the case of Abbot Samson, of St. Edmundsbury. Few men have been written about more copiously than Becket, or in such varied terms. Early monks and modern High Churchmen; enthusiastic admirers and severe critics; ecclesiastics who can discern in him nothing but good, and laymen who are convinced that his influence was wholly evil, have indulged in the extremes of panegyric and of condemnation. Of original materials there exists a formidable array of chronicles, biographies, eulogies, State-documents, and private letters. No fewer than nine large octavo volumes in the series of 'Chronicles and Memorials of Great Britain' are devoted to the Becket literature of his own times. He was the most admired and the best abused man of that age. His contemporaries were divided into two hostile camps regarding him. Every succeeding generation has been divided in like manner. The explanation of this contrariety—the substantial accuracy of the main facts as recorded being indisputable—is that Becket has always been surrounded by a nebulous atmosphere of theological and ecclesiastical controversy, so that it is hopeless to mention him without provoking a war of words. Even the titles accorded or withheld are badges of the faction fight. It is questionable whether during his life he was usually called Thomas Becket; still less, Thomas à Becket. Surnames were then uncommon, in the sense of a son bearing his father's name. He is spoken of as Thomas of London, Thomas the Archdeacon, Thomas the Chancellor, and, at length, as Thomas the Martyr; until beatified as Saint Thomas of Canterbury.

Tradition and romance have made free with his early history. The simple facts are that he was born about the year 1119; that his father was a prosperous Norman citizen and merchant of London; that the son attracted the notice and won the regard of Archbishop Theobald, who, as was his custom with promising youths, took him into his own household, ordained him deacon, sent him abroad to study and on missions, and at length, introduced him to the King as likely to be of service. Becket's

foot having once found the ladder of promotion, his own courage and abilities speedily enabled him to rise, until his power, wealth, and influence became almost illimitable. A tall, handsome man, of majestic presence; agreeable and witty; an accomplished courtier; learned, above the average in that day; a good chess-player; possessed of great physical strength, and fond of hunting and hawking, he seemed born for the atmosphere of a Court. He was apt in business, quick of sight and of hearing, a keen disputant, an omnivorous worker, and he relieved the King of much that was irksome. He is described by one of his intimate friends and admirers as being "slight and pale, with dark hair, long nose, straight-featured face, blithe of countenance, keen of thought, winning and lovable in conversation, frank of speech; but slightly stuttering in his talk."

Numerous honourable and lucrative appointments were bestowed upon him, including the high post of Chancellor; not then a strictly judicial office. Its occupant had charge of the royal seal, the drafting of writs and charters, the preservation of legal records, and the custody of vacant fiefs and benefices. The post was one of much influence and emolument, as having control of the secretarial work of the royal household and of the general administration of affairs. Of a generous disposition, Becket maintained a large retinue and much state. His love and his hatred were intense, and he could arouse these passions strongly in others. His personal followers were attached to him by ties that neither adversity nor death could sever. Only one other instance occurs in English history of a subject attaining to such a pinnacle of greatness. In the parallel case of Wolsey, the recipient of the monarch's favour was also an ecclesiastic, and a man of transcendent abilities. Eye-witnesses and encomiasts have left accounts of the almost imperial splendour in which Becket lived. The King had full confidence in his favourite, and delighted to honour him, and he served Henry ably and faithfully. There is no reason to suppose that his conduct was a master-stroke of crafty policy, designed to accomplish an ulterior end, alike inimical to the regal power and to the national liberties. It is only just to conclude that

a change of circumstances, opening up another career and the highest ecclesiastical dignity, suggested the policy with which Becket's name is for ever associated; honourably, in the esteem of admirers, but infamously in that of detractors.

Archbishop Theobald, a saintly and revered prelate, worthy to occupy the seat consecrated by Anselm, died in 1161. The See of Canterbury was kept vacant for more than twelve months; its enormous revenues accruing, as usual, to the King. Becket was chosen by Henry for the post; apparently, against his will, and notwithstanding half serious and half playful protests. It is this startling change in the position of one who had been only a deacon, but filling some of the chief offices in the State, which makes this extraordinary man appear as a designing hypocrite in the eyes of some, while others extol him as saint and martyr. There is no proof that he was insincere, or that he was more fanatical than the average ecclesiastics of the time. He at once resigned the Chancellorship, to the King's surprise and vexation; on the ground that it was incompatible with the archbishopric. Before long, he claimed a restoration of possessions formerly belonging to the See, which he declared had been wrongfully alienated. This appears to have been an official and not a personal demand; but it alarmed and angered the barons who had acquired the lands. Another ground of dispute was the right claimed by most of them to appoint priests to vacant livings on their estates; which right was denied by Becket. A further dispute arose out of his resistance to an attempt made by the royal officers to divert into the Exchequer a sum of two shillings per hide of land, which the sheriffs had been accustomed to levy for the Danegeld, or to collect for the expenses of their office. Becket took his stand upon the usages of the realm. With characteristic intrepidity he denounced the proposal, in a Council held at Woodstock, in June 1163; declaring that not a penny should come from his lands. He carried his point, and is the first Englishman on record who defeated an illegal tax. At the same time, there is no warrant for Thierry's fanciful hypothesis, that he impersonated the cause of the Saxon against the Norman. There is not the remotest

allusion to it, directly or by implication, in any contemporary writer. So far from this being the case, the old distinction and rivalry had long before vanished.

Both the King and the Archbishop failed to comprehend each other in the early stages of the dispute, or to appreciate its real nature and its certain issues. Henry expected a useful instrument in the new prelate; but was disappointed. Becket thought to find the King as easy to manage in ecclesiastical affairs as in other things; but he, too, was disappointed. It proved a happy circumstance for the future of England; but it would be worse than folly to assume that Henry II. engaged in the struggle with any intelligent understanding of the ultimate question as affecting national liberties, or with any other object than the maintenance of his own supposed prerogative. Its effect upon himself was to make him reckless of moral and religious obligations, and to increase his natural domination, fierceness, and irritability. Circumstances developed in his case, as in that of Henry VIII., some of the worst features of his character; which were always aggravated under opposition. Open hostilities between the two representatives of the rival forces broke out in 1164. The proximate cause was a refusal on the part of Becket to surrender to the civil courts a cleric charged with murder. This raised an old question as to jurisdiction; out of which great abuses had sprung. In the first eight years of the reign, a hundred such murders—probably the conjectural expression of a general feeling — are said to have been committed; besides numberless robberies and other offences. The culprits escaped all punishment, other than light sentences of fine, or imprisonment, or penance, as imposed by the spiritual courts. Becket strove to maintain this condition of things. If the claims advanced for the clerical order had been conceded, there is no reason to suppose that he would have rebuked the King's scandalous life. No instance is recorded of Henry's personal and notorious vices, of his oppressive edicts, or of his violence, extortion, and corrupt government being reproved by the Archbishop.

A Great Council was convened at Clarendon, near Winchester, in January, 1164. Three days were spent

in angry debate. The general scheme propounded was to reduce all men to an equality before the law. The real and vital question at issue was who should rule England; the monarch or the ecclesiastic; the law of the land or an alien system. The object of the Hildebrandists was absolute dominion over the laity. The aim of the King was absolute supremacy over both clergy and laity. He wished to restore ancient customs that had been engulphed by the advancing flood of Papal assumptions. If the sceptre had obtained a complete victory, England would have become a prey to regal autocracy. If the crosier had been decisively successful, a debasing tyranny would have been established over the minds of men. The debate ended in the promulgation of what are known as the Constitutions of Clarendon, which professed to be only a formal statement of recognised national traditions. They were to England what the Pragmatic Sanction of 1268 was to France. While some of them only state, in legal form, customs that had been operative for nearly a century, others seem to have involved fresh developments and new applications, as parts of the wider system of jurisprudence then coming into play. Viewed impartially, they are not a mere engine of regal tyranny, or the display of secular hatred against an ecclesiastic. Their intent and purport evidently were to clear the debatable ground between two conflicting jurisdictions, and they formed the basis of much subsequent legislation. To the ecclesiastical mind, as was not surprising, they appeared as a device, not only to control the Church, but to tyrannize over it.

The Articles were sealed by the barons, and by all the prelates except Becket. He impetuously declared at first,—"Never shall seal of mine be put to such Articles." Afterwards, he temporized, and accepted them; with reservations. On further reflection he retracted his consent. He was confirmed in his resistance when Pope Alexander III. (r. 1159–1181) rejected the Constitutions of Clarendon, and absolved him from an oath to observe the ancient customs; taken under pressure from some of his fellow-prelates, who acted from servile fear and contrary to their own judgment. He now prepared for a fierce conflict. At another Council, held at Northampton

in October, 1164, he was suddenly ordered to account for certain alleged unsettled matters of the late Chancellorship. Henry grew more peremptory, and the Archbishop more obstinate and provoking. The old disputes were revived, and Becket, with such of the bishops as opposed him, appealed to Rome; as did Henry, subsequently, with marvellous inconsistency. Becket secretly crossed the Channel, and withdrew to a monastery in St. Omer; declaring that his life was in danger. Thence he proceeded to Sens, where the Pope was residing; a rival, known as Pascal III., having been set up in Rome by the Emperor Frederick Barbarossa of Germany (b. 1121, r. 1152–1190). A paper war ensued, with the customary personal recriminations. Messages and delegates passed to and fro, in a kind of triangular duel between Henry, the Pope, and Becket.

As no settlement appeared likely, the payment of Peter's Pence from England was prohibited; all who presumed to appeal to the Pope on any matter were ordered to be imprisoned; those who brought letters from him were to be hanged or sent adrift in an open boat on the sea; and all mention of the Archbishop in public prayers was forbidden. His relatives and dependents were driven into exile in mid-winter. His goods and revenues, and those of the clergy who adhered to him, were seized, and during the six years of exile the King retained them. Henry would not yield one iota of his claim, although he tried the diplomatic policy to which he was so addicted. By first forbidding the bishops to appeal to the Pope against Becket; then allowing them to do so; next, making such an appeal himself; and finally, when the result seemed likely to be adverse, threatening vindictive and cruel penalties on all who dared to introduce or act upon Papal Bulls, he virtually gave up his own cause. The Primate was as determined, on his side. The Pope temporized; alternately soothing, flattering, threatening, and restraining both of the litigants. He sent to them on one occasion two separate envoys, with contrary instructions, so as to gain time. Ralph de Diceto, Dean of St. Paul's, writing in the midst of these events, puns in a prevalent fashion on the two Papal envoys, friends of the two disputants,

who neutralized one another in the commission of 1169: —"Gratian found no grace with the King; nor was Vivian vivid in the memory of the Archbishop."

During the chief part of the six years' conflict, Henry was in his Continental dominions, where the troubled state of affairs required personal attention. The strife with the Church aggravated his temporal difficulties. Enemies and rivals eagerly awaited his threatened excommunication, as the pretext for piously attacking his territories. The air was full of intrigue, and there were ceaseless petty wars. No fewer than thirteen revolts occurred in his French possessions between 1166 and 1168. He had his eldest son, a boy of fifteen—who subsequently died, in 1183, while in open rebellion—associated with himself in the regal authority, for the purpose of consolidating the family influence. The result was disastrous. The coronation of the youth was performed in June, 1170, by Roger, Archbishop of York, to spite Becket; who protested and threatened in vain against this infraction of what was claimed as his prerogative. In the following month, a formal reconciliation took place, but it proved hollow. Becket agreed to "love, honour, and serve the King, in as far as an Archbishop could render in the Lord service to a Sovereign." Henry undertook to restore all the lands, livings, and privileges of the See of Canterbury, and to make restitution for all that Becket's friends and relatives had lost. Each of the contestants seems to have made mental reservations. Nothing was gained by Henry in this compromise. Indeed, the vital point at issue was practically conceded. But he was weary of the strife, and the condition of affairs on the Continent compelled its termination. He evaded, however, giving the kiss of peace: then regarded, in feudal usuage, as a solemn pledge of amity; and making Becket's friends apprehensive for his safety.

His own courage did not quail. Unyielding in soul, he would never stoop to conciliate his adversaries. He sent over letters suspending Hugh Pudsey, Bishop of Durham, and also the Archbishop of York, whom he compared to Holofernes, and excommunicating Gilbert Foliot, Bishop of London, Josceline de Baliol, Bishop of Salisbury, and others, who, in his judgment, had been

recreant to Rome. He reached Canterbury after his long exile early in December, 1170; intending there to spend the Christmas festival. In a sermon preached in the cathedral, he declared that he would avenge some of the wrongs his church had suffered, and he pronounced maledictions against certain persons. Such acts and utterances, with private conversations recorded by friends, show his determination to stand unflinchingly by the old pretensions, and to uphold by extreme measures what he deemed to be his spiritual authority. Reports of all this, with inevitable colouring, and exaggerations, reached the King in Normandy, whither the excommunicated bishops had gone to make complaint. Henry was furious; and in one of his mad storms of passion, to which he often abandoned himself, is said to have asked "whether there was among all the lazy servants who ate his bread no one ready to deliver him from this turbulent and base-born priest?" Four knights interpreted his question to mean that he would like to be rid of his adversary by violence. They set forth by different routes; arranging to meet in Canterbury. Arrived there on December 29th, they entered the palace, which, as was customary, was accessible to all, and found Becket had just finished dinner. A colloquy ensued, that speedily became a wrangle; for he was hot-tempered, and, after the fashion of his day, could be abusive and scurrilous. The scene is described in realistic terms by those who were present. Dean Stanley, in his 'Memorials of Canterbury,' has collected and grouped in his own inimitable style all the available information. When ordered by four coarse and brutal knights, whom modern opinion would justly stamp as ruffians, to "absolve the prelates; fly; or die," Becket would not fly, and he could not canonically withdraw the excommunication. Even if he had the power, its exercise would have been an act of moral cowardice under the circumstances. Whether his sentence was right or wrong, wise or foolish, he was not warranted in cancelling it at the behest of these blatant fighting men, armed with no legal authority. They were simply private foes who seized on the occasion to gratify their revenge with impunity. His refusal, even granting its inexpediency, was not only a maintenance of

the rights of his See, and of the privileges of the Church, but of the cause of law and order as opposed to violence.

Hearing the vesper bell, he went through the cloisters into the cathedral, in a slow and stately manner: his cross borne before him. He even waited while it was sent for. The attendant clergy proposed to shut the grating leading to the choir; but he forbade them. He refused also to take refuge in any of the numerous hiding-places; although the knights and their armed followers were close at hand. The assailants tried to drag him out of the cathedral; feeling scrupulous about killing him there. In the gloom of that December evening, amidst the prevailing excitement and alarm, none knew precisely what was being done in the North transept. It was the work of a few minutes. There was a short, hot controversy; a foul taunt from the Primate; a blow in response; then a general attack, and Becket was no more. The murderers retired without molestation; but many people came and dipped their garments in the blood; to be treasured as sacred relics. As the news of the murder spread, men's minds were filled with horror. An immediate revulsion took place in public feeling. Henry was overwhelmed with remorse and dread; now that the crisis had come. For three days he neither ate nor spoke. He anticipated nothing less than an immediate Interdict. It did not, however, suit the Papal authorities to press matters to the uttermost. Legates were appointed to inquire into the case. Henry swore on the Gospels that he had not compassed or desired the assassination. He agreed to send an armed force to the Crusades, and to found three monasteries. He promised that the possessions of the See of Canterbury should be restored; that appeals to the Pope should be allowed, on taking reasonable security from suspected persons; and that customs hostile to the privileges of the clergy should be abolished, if these had been introduced during his reign.

By a Papal Bull, the cathedral at Canterbury was closed for three years; to undergo a ceremonial purgation. The murdered Archbishop was subsequently canonized; not without much huckstering as to what proportion of the receipts at his shrine should be allocated to Rome.

Pope Honorius III. (r. 1216–1227) stipulated for one-half the gross proceeds, but had at length to be content with a moiety of the net amount, because the monks declared they could not carry on the business upon such stringent terms. Not until this piece of bargaining was ended, did the Pope grant his consent to the translation of the body. The act of beatification was then performed with much ceremony. No surprise need be felt about this transaction. Many a saint is a glorified failure; though, for the purposes of Rome, Becket was not a failure. Whether saint or not, he was a hero in popular esteem. A stream of pilgrims set in to his shrine, which, within fifty years, received far more presents than all the other shrines in the cathedral or in the land. "Kings, for such a tomb," as Milton says, "would wish to die." It was alleged that miracles were wrought there. The Chronicles contain numerous instances of pretended cures of heterogeneous ailments. What was declared to be the blood of the saint and martyr was mixed with water, and the minutest drop was said to be of miraculous efficacy. Pilgrims visiting the tomb purchased some of this in leaden phials. Suspended round the neck, they became the tokens of Canterbury pilgrims, just as those to Compostella were known by the scallop-shell, or those to Jerusalem by the palm-branch. Specimens of the *ampullæ*, or phials, are preserved in the British Museum; but the action of the atmosphere is such that they oxidize when exposed,

At that shrine, in 1174, Henry II. performed an astounding act of penance, by kneeling in front of it while he was scourged by the attendant clergy. The place was for more than three hundred years a fashionable resort. Chaucer describes scenes commonly witnessed in his day. Long subsequently, Erasmus and his friend, Dean Colet, went to Canterbury in 1510, to see and judge for themselves. They expressed in unmistakable terms their scorn for the grovelling superstition of the ignorant devotees; and their indignation at the mercenary spirit of the guardians of the shrine. This culminated when a handkerchief was produced which Becket was alleged to have used; with other "rags and clouts" said to have belonged to him. Erasmus says:—"The gold and silver on that saint's altar seemed to make

Crœsus a beggar in comparison." The pomp of silk vestments and gold candlesticks was overwhelming. What professed to be the foot of Becket was exhibited, for a consideration, "in a rod of silver longer than to a man's waist;" also the saint's whole face, set in gold, and adorned with jewels. The bones of the body were kept by themselves; as too sacred for vulgar inspection; but a chest of gold above them, in which the offerings of the pilgrims were placed, was shown, sparkling with rare and costly jewels, the gifts of kings and nobles. The oblations of the devout and grateful continued to increase until the beginning of the sixteenth century; but in the ecclesiastical spoliation under Henry VIII. the treasures of the shrine were stripped, Becket was unsainted, and his name erased from the Calendar as "a disloyal and pestilent agitator."

In one sense, the controversy between prince and prelate remained unsettled. Henry, like a true Angevin, though he crouched for the time, from mere policy, surrendered no spoils. He suspended all efforts to diminish by force of law the power of the priesthood. Technically, their privileges were saved, but they received repeated blows and experienced serious diminution as years rolled by, until the growth of public sentiment put an end to sacerdotal pretensions. Within four years, the main principle for which Becket struggled and died was abandoned by his successor. Eight vacant sees, besides Canterbury, were filled, after long delays, with men wholly subservient to the royal will. Before the end of that reign, the English episcopate was completely brought under the control of the Crown. A spirit of worldliness and selfishness prevailed. Mitred bishop and tonsured priest, with a few honourable exceptions, were commonly charged with greed and corruption. John of Salisbury, the intimate friend of Becket and of his predecessor, Archbishop Theobald, records many instances of prelatical extortion, and conveys an unfavourable impression as to the general state of the clerical morals in that day; which is deepened by the narrations a few years afterwards by Walter Mapes, Giraldus Cambrensis, and other writers. Not by one man, nor according to the caprice of regal power, were the momentous issues to be decided.

With Dunstan is connected English monasticism; with Anselm the claim for ecclesiastical independence; with Innocent III. the supremacy of the Popes above all earthly kings; but Becket's exile and death won nothing for his order. A title of saintship, a splendid shrine, and crowds of worshippers, showed that an undaunted spirit had passed away; but nothing remained to embody his claim. He contended for principles and for a policy which, happily for the future liberties of this country, did not prevail. The Constitutions of Clarendon, so resolutely opposed by him, are now, by universal consent, incorporated into the law of the land. Yet, with all his defects and mistakes, and though his career may be admired rather than approved, he will always occupy a conspicuous niche in the Temple of Fame.

CHAPTER XII.

REGAL TYRANNY AND EXACTIONS.

A.D. 1156–1215.

Nicholas Breakspeare, known as Adrian IV. (b. 1100, r. 1154–1159), is the one Pope of English origin. He was a novice in the renowned St. Alban's Benedictine Abbey; and was the confidential friend of John of Salisbury. Unlike some of his predecessors and successors, he was not a controversial or a militant Pontiff; but he possessed rare constructive gifts. He showed much organizing power and missionary zeal, and in some respects was a reformer of abuses. A more questionable renown attaches to him by reason of a Bull issued in the second year of this reign; authorizing the conquest of Ireland by Henry II. The customary assumption of authority was made in this document:—"You have advertised us, dear son in Christ, of your design of an expedition into Ireland, to subject the island to just laws, and to root out vice. You promise to pay us out of every house a yearly acknowledgment of one penny, and to maintain the rights of the Church. We consent and

allow that you make a descent on that island. We exhort you to do whatever you shall think proper to advance the honour of God and the salvation of the people, whom we charge to submit to your jurisdiction, and to own you for their sovereign lord; provided always that the rights of the Church are inviolably observed, and the Peter-Pence duly paid."

As with the Norman invasion of England, and as in many similar cases of the violation of international comity, this was a mere matter of barter. Supposed spiritual sanctions were given to acts of flagrant wrong, in return for material offerings. The particular assumptions in the Bull were alien to the known facts. Seven centuries before, in the pontificate of Celestinus I. (A.D. 432), missionary labours had been carried on in Ireland; indissolubly associated with the names of St. Patrick, St. Columba, and St. Gall. Numerous monasteries and churches were built, from which celebrated teachers went forth to evangelize other lands. The Irish Church retained its independence of Rome; electing its own bishops and managing its own affairs, down to the time of the Norman invasion of England. Tithes and Peter's Pence were not paid; the Roman ritual and canon law, and Roman rules as to marriage were not observed. This was the head and front of the offence. Archbishop Lanfranc sought to bring about in Ireland what he termed a reformation of abuses in the Church; which was a euphemism for an attempted ecclesiastical subjugation. Very partial success followed his endeavours. One Irish bishop came over in 1074 to receive consecration; having been first elected in accordance with ancient local usages. The precedent was occasionally followed in after years; chiefly by bishops of Irish towns where Danish settlements existed. Sometimes, also, an interchange of greetings and of mutual offices took place. An Irish ecclesiastic was called in by the married clergy of England to plead their cause at the Synod of Calne, in 977, and his eloquence could only be met by an arbitrary exercise of authority on the part of Dunstan. The famous school of Glastonbury was originally an Irish settlement. There was no disposition on the part of the Irish clergy to acknowledge the

supremacy which Rome succeeded in establishing over the greater part of Christendom. Henry the Second's ambitious project to conquer Ireland furnished a long-coveted opportunity to Rome to effect the spiritual subjugation of the country. The highest ecclesiastical sanction was given to a deed of violence and rapine. Dr. Lingard says,—"The Pontiff, who must have smiled at the hypocrisy of Henry, praised in his reply the piety of his dutiful son."

The people of Ireland were chiefly descended from the Celtæ; part of the great wave of population that had spread over Europe in remote times. It cannot be determined with precision whether Ireland was settled in the first instance from Britain. Later arrivals, however, brought more of a Southern element; accounting for the fervour and impetuousness of the national character. There had also been invasions by the Danish hordes, but these had remained in distinct settlements on the Eastern coast. The country was divided among various tribes, which were frequently at war. Before the twelfth century, most of the tribal distinctions had vanished by absorption into petty kingdoms. Meath, Leinster, Ulster, Connaught, and Munster, each had its own sovereign, independent of the others; though there was a dim kind of titular supremacy that involved no territorial power. At the time of the English invasion, the people of Ireland were described as tall and commanding in form, and of a ruddy complexion. Their clothing was of a simple kind, of roughly-spun wool. Warlike arts and appliances were primitive; their chief weapons being a short javelin, or lance, a sword, or a hatchet. They are represented as passionately fond of music, and their harpists were renowned. Trade and agriculture had made some progress. Their dwellings were originally of wood and wattle-work; but stone buildings, cemented with lime, became common after the sixth century. The famous round towers, which belong to the transitional period between Roman and what is termed Gothic art, and which served as belfries, lighthouses, and places of defence, show that the theory of construction had considerably advanced. Their symmetry is perfect; but the courses of rough stones in the most ancient specimens

evidently owed little to the skill of the mason. The smith's art was not unknown, and the country is rich in ancient golden ornaments. Cities were few and small. Those of first importance were Cashel and Tara. Without the culture of municipal institutions; without Roman laws of property and inheritance; without means of intercommunication by roads; and without the traditions of one united empire, the nation was only a cluster of clans, divided by impenetrable forests and morasses. Land was common property, and a fresh division was made at death. The power of the chief was principally bounded by the personal sentiment of his followers. There was no upper class, and scarcely any settled institutions for the maintenance of law and order.

Schemes of conquest and annexation had been formed by William I. and by his son Henry I.; but domestic and Continental affairs were unpropitious. When Henry II. submitted the project and the Papal authorization to the Great Council, its members discouraged the enterprise. As his presence was required in Normandy, the Irish expedition was postponed, and the Bull, with an accompanying emerald ring of great price, sent as a token of investiture, were deposited in the royal treasury at Winchester, where they remained fourteen years. At length, in 1169, a specious pretext was furnished for intermeddling. Richard de Clare, nicknamed Strongbow, Earl of Pembroke, assisted Dermot, the titular ruler of Leinster, to recover his dominions. In return, he became his son-in-law, with the promise of inheritance; apparently, with Henry's tacit permission. Two years afterwards, the latter embarked with an army at Milford Haven, and landed at Waterford. Some of the petty chiefs made submission; taking oaths of fealty, and consenting to pay an annual tribute. From Waterford he marched to Dublin, without encountering opposition, and there celebrated the Christmas festival of 1171. He remained in the country until the following Easter. Strongbow was confirmed in the possession of the chief part of Leinster, but the King kept Dublin and the towns on the Eastern coast in his own hands. In a vague sense, the conquest of Ireland was regarded as complete; but it was mainly nominal; and even that

shadowy rule applied only below a line drawn from the mouth of the Shannon to the mouth of the Boyne. It afforded a convenient opportunity of making peace with Rome, and of ending the strained relations that had arisen out of the prolonged controversy with Becket and his subsequent murder. In 1172, a Synod was held at Cashel, and a programme of what was called Church reform was laid down. The feeling of the time was expressed by the native Archbishop:—"If our calendar wants martyrs, it is that our uncivilized Irish have always reverenced God's service and its ministers; while our conquerors are versed in slaying saints."

The country was partially divided; Meath remaining the appanage of the Crown, to balance Strongbow's power. Great estates were allotted to other English families. Native laws were allowed to remain operative; and in this loose way the supremacy of England was said to be established. In 1175, the limits of the English Pale were defined, consisting of Dublin, with its appurtenances, Meath, Leinster, and the country from Waterford to Dungarvan; though the limits varied from time to time. The designation arose because the English, for protection, enclosed and impaled themselves within certain territories. This district was held to be immediately subject to the King of England and his barons; but the tenure was precarious. One of the only two successful expeditions under John occurred in 1210, when he brought to subjection the titular King of Connaught, who had occasioned serious trouble among the English settlers and the tributary tribes. After this, for two centuries, no English monarch set foot in Ireland. The allusions of early English Chroniclers to active contemporary commerce in Irish towns and markets find corroboration in the Dublin Guild Merchant-Rolls of the thirteenth century, and in the municipal archives of that city. Among the persons registered as having license to trade are representatives of almost every craft from various parts of England, Wales, Scotland, France, Brabant, and Flanders. Money-dealers from Florence and Lucca also drove a thriving trade. Much of the business was transacted at fairs, as in this country. None of those in Ireland retained a wider notoriety

down to modern times than that at Donnybrook; references to which occur as early as 1204. White and red cloths from Ireland were sold in England about the same time. Madox, in the 'History of the Exchequer,' gives a contemporary drawing of a duel respecting a piece of Irish cloth stolen at Winchester in the reign of Henry III. An extensive trade was carried on in Irish goods with the Continental possessions of England.

The three groups, relating to the Law and the Judicature, to the Church, and to Ireland, which have been treated in this and the two preceding chapters, comprise the most important events and measures in the reign of Henry II. Into his many foreign wars, intrigues, and perplexities; his fierce and frequent domestic dissensions; and the revolt of the sons whom he had placed in authority over various districts on the Continent, it is needless to enter. Concerning these family squabbles and feuds, of which enough may be read in the early histories, Geoffrey, one of his sons, is reported to have said that the detestation of his family for their father was never thoroughly suspended, except by their hatred of each other. He added,—"It is our proper nature, implanted in us by inheritance from our ancestors, that none of us should love the other, but that every brother should strive against brother, and the son against the father." Probably he had never heard of the famous saying of Tacitus, that the hatred of those who are most nearly connected is the most inveterate. Henry died at Chinon, in 1189, aged fifty-six; leaving his wife in the prison where he had thrust her twelve years before, for alleged conspiracies with their sons. She was released by them, and survived until 1204, when she ended a long, romantic, and eventful career, at the age of eighty-two. It was an unusually prolonged life in the Middle Ages; for the rate of mortality was higher, and the average duration of life less than now. Apart from her more than equivocal character—not worse, perhaps, than the dubious morality of that age tolerated—she must have been a woman of deep insight, great energy, and daring ambition. Unsubdued by her long incarceration, she set herself, immediately on her release, to intrigue for

her sons, and, in particular, for John, the youngest, and her favourite. Her scheming diplomacy for the extension of England's Continental possessions ended only with life. Her implacable husband passed away with an unrevoked curse upon his lips against his eldest living son and successor, Richard. Was this remorse for his own conduct in seducing that son's betrothed wife, and thus changing him into a bitter foe? It is a shocking story; but it seems indisputable. His fatal illness had been aggravated by knowing that his son John was engaged in one of the revolts that continually troubled his reign. He has been styled, in somewhat inflated phrase, the Founder of the Common Law; an inaccurate and rhetorical description. There is no evidence that either by intention or accident he laid the foundation of that great unwritten system whose decisions have slowly concreted into precedents for the guidance of all future judges. As has been shown, in the tenth Chapter, it grew out of the circumstances of earlier times. He has, however, alien and absentee though he was, left upon the constitution and the history of this country marks of his strong individuality. The period was one of amalgamation of different elements; and whether the union be regarded as chemical or mechanical, it helped to produce the national character and to mould national institutions. The re-organization then begun by able prelate-statesmen and jurists was carried to completion under Edward I.

Without assenting to the somewhat extravagant laudation of which the first Angevin king has been made the subject, he must be recognised as a real ruler of men. An able, exhaustive, and, on the whole, a discriminating estimate of him is given by Bishop Stubbs, in the preface to his excellent edition of the Chronicle of Benedict of Peterborough, and Mrs. J. R. Green has written an excellent monograph. He was not the greatest, nor the wisest, nor the worst of his race. His character was a strange medley of inconsistent qualities. He was thoroughly unscrupulous; yet not a tyrant, in the proper sense of the word. He had definite aims, and followed them unrelentingly. Whatever could be made to contribute to their accomplishment was used without compunction. Devoid of faith, he had boundless super-

stition. The half-savage Angevin nature, with its bull-dog tenacity and vulpine cunning, was united to rare mental endowments. Eminently wise and brave, he was also cruel, lascivious, and false. He was fertile in expedients, which were planned with skill and carried out with promptitude and energy. To true statemanship he had no claims; but in political craft he was unmatched in that day. Punctilious about trifles he was devoid of a sense of honour, and his religious theory, like that of his namesake, the seventh Henry, simply amounted to a desire to bribe Providence to help his schemes. Some of the impromptu prayers recorded of him, as having been uttered aloud in dire emergencies, are mere attempts to traffic with the Almighty. Like Napoleon Bonaparte, he heard Mass daily, but without paying decent outward attention to the ceremony. During its most solemn portions he was whispering to his courtiers, or scribbling on his tablets, or looking at pictures; or ogling women.

He was commonly regarded as being ready to promise, and equally ready to break his word, if expedient. He cannot be deemed a hero; and to patriotism he made no pretensions. A noble career lay before him, if he had chosen to pursue it. But his policy was directed chiefly to the extension of his vast dominions by family alliances, including ridiculous baby marriages, and through diplomatic labyrinths; all of which, as usual, proved futile. He was astute enough to avail himself of the services of able and distinguished men. Competent administrators and judges were needed during his long absences. Out of a nominal reign of thirty-five years, only thirteen were spent in England. For the most part, his visits were restricted to a few months or weeks at a time. Thrice only did he remain for two years, and twice his absence extended over five years. His exuberant energy taxed the patience of his followers, and wore out the strongest of them. Most of the Angevin princes were restless, fitful, and tireless. As the whim seized them, they started off, at a moment's notice, regardless of the arrangements or convenience of their numerous retinue. Henry the Second excelled them all in this physical energy, and in its capricious manifestations. Peter of Blois (1120–1200), one of the court chaplains, describes

in lachrymose terms the inextricable disorder attending the King's sudden movements.

Of his immediate successor, little need be said. His was but a nominal and an absentee reign, and, in itself, is barren of incident or of interest. Alexander, commonly styled the Great, is derided by Pope as the Madman of Macedon. The epithet is not inapplicable to Richard I. (b. 1157, r. 1189–1199). His exploits as a butcher of men, his wasteful splendour, his heartless extravagance, his recklessness of human life, his insatiable thirst for adventure, his tournaments and Crusades, exhibit his utter lack of sympathy with, or of common consideration for the English people. None of their blood coursed through his veins. He was their titular ruler, but their actual plunderer. A mere soldier, his vices were the common vices of the camp; reeking with their own foulness. The glitter and tinsel of chivalry, and the imaginary delineations of modern writers of that incongruous and contradictory school known as historical romance, have cast around him a false glamour which imposes upon the unreflecting and the superficial, who mistake military glory for moral greatness, and who fail to discriminate between solid gold and plated ware in estimating human character. The glamour vanishes on close and impartial observation. Burke has instituted a comparison between him and Charles XII. of Sweden (1682–1718), the Madman of the North; to the advantage of the latter. He was only in his eighteenth year when he flashed across Europe like a meteor from his Northern latitudes, leaving behind him a track of profitless military splendour.

Stigmatized by the French as *Le Roi fainéant*, Richard I. was nothing more than a knight-errant, a military Don Juan, or a magnificent animal. All that can be said of him is that he ravaged many countries and killed many men. He was bold, reckless, coarse, and brutal; murdering hostages and captives by hundreds, in sheer wantonness; deaf to pity, to mercy, and to justice; heedless of the sufferings of others; and thinking nought of England except as an inexhaustible reservoir to supply the ruinous expense of his wars, and tournaments, and escapades. For the safety, honour, and

welfare of its people, and for the development of the country, he cared absolutely nothing. The appellation of Cœur de Lion was bestowed as much for his ferocity as for his fearlessness. He had a faculty for provoking quarrels and brawls, in a spirit of mere fool-hardiness. His adversary, Saladin, so far as is known, was much the nobler and greater man of the two; for he was a good heathen, while Richard was a thoroughly bad nominal Christian. "The devil is loose; take care of yourself," was the message sent to John, the brother of Richard, by Philip II. of France, when the King was set free from his captivity. His wolfish nature appears in an order of 1189, that any robber found with the Crusading fleet "shall be first shaved, then boiling pitch shall be poured upon his head, and a cushion of feathers shook over it." If the unhappy wretch survived, he was to be put ashore at the first port.

Combined with Richard's passion for fighting, was a lust for gold. He inherited the insatiable avarice of his house. His name is inseparably connected with an absence not alone of regal faith but of common truthfulness and honesty. He had the negative quality of spending freely, and even lavishly, the vast sums thus exacted. He squandered with fatuous prodigality money obtained by unscrupulous oppression and by the sacrifice of all honour. On the principles of justice and right, he must be pronounced one of the most barbarous and brutal of English princes; if English is not a misnomer in the case of a man who was wholly of foreign lineage, who knew scarcely a word of the language, and who spent but a few months in the island during his life of forty-two years. Excepting four months after his coronation, and two months after his release from captivity in 1194, he was absent during the whole ten years of his nominal reign. He died in 1199, from a wound inflicted by an arrow during a robber-raid against one of his vassals in Guienne. Thus by a sort of poetical justice, this boasted pink of chivalry met with an end as disgraceful as that of Abimelech or of Pyrrhus. A disobedient son, a faithless husband, a selfish ruler, and a vicious man, his sole and consuming ambition was for war, which he loved for itself, for childish delight in the

din and struggle, for the excitement of butchery, and for the charm of victory. No thanks to him that his prolonged absence on hare-brained enterprises, and his wasteful outlay upon them, did not ruin this fair realm.

In order to meet the enormous expenses of his Continental wars, and of his mad determination to embark in one of the Crusades, the country was repeatedly drained of treasure. It was a time of unparalleled exactions. Plans devised by earlier kings for raising money were resuscitated and enlarged. Feudal dues, and especially the Scutage, or shield money, were rigorously enforced. The old Danegeld was revived, but in a more stringent form. The wool of the famous flocks belonging to the wealthy Cistercian abbeys was seized. Church plate was confiscated under the guise of a loan. Moveable property, as well as real estate, was assessed for the first time, in order to raise the sum required for his ransom when captured by the Emperor of Germany. This was fixed at a hundred and fifty thousand marks; equivalent to a million and a half sterling of modern money; and the payment impoverished the country for years. Offices and dignities were sold to the highest bidder. The royal domains were alienated for money. Large sums were wrung from barons, towns, functionaries, and private persons, to meet his ceaseless demands or to appease his real or assumed anger. Arbitrary fines were imposed, as in preceding and subsequent reigns. The Jews were repeatedly fleeced under circumstances of outrageous cruelty. He stooped to the meanest tricks, and was guilty of the grossest perfidy, in order to raise money. Returning from the Crusade after four years' absence, during which the country had been torn and rent by faction, he annulled at one stroke, in a spirit worthy of a Turkish or Persian despot, all the sales of royal domains, and resumed possession without refunding the money. He lost or broke the Great Seal, and no grant was held to be valid except under the new one, with a fresh fine. All this tyranny, borne with marvellous patience for a time, excepting only by the clergy, prepared the way for the successful struggles with despotism which took place under Richard's brother and successor, when his own erratic, quarrelsome, useless, but costly career

had ended. As grievances became weightier, and taxation was mercilessly increased, the growth of commercial wealth was used to purchase further municipal privileges. Richard is said to have declared that he would sell London itself if a purchaser could be found. There was also the sure growth of the old principles of liberty; and these, like the fibrous roots of the ivy, were to rend and shatter the stern rock of tyranny. One incidental and almost unnoticed step, which led to momentous consequences, was the introduction of the elective system for county officers, and the appointment of a Grand Jury for purposes of assessment. The power of the purse was beginning to make itself felt in taxation by consent and, ere long, the redress of Grievances was to be made precedent to the granting of Supply.

An interesting glimpse is furnished, as by a brilliant but transient side light, into the condition of the people at this time. Richard was, as usual, during one of his prolonged absences, in urgent need of supplies for carrying on his military escapades. Various mercantile towns, and the wealthy city of London in particular, were required to meet these insatiable demands of the absentee monarch. One of the citizens, named William Fitz Osbert, enjoyed much consideration on account of his zeal in defending, by every legal means, his fellow citizens from injustice. His efforts had endeared him in an especial manner to those of low degree; and he was known as the poor man's advocate. The Court party nicknamed him, ironically, "the man with the beard," because he allowed it to grow, so that he might in no way resemble the foreigners, who shaved closely. His enemies accused him of leading the multitude astray, by giving them an unreasonable desire for liberty. On the occasion of one of the frequent levies, in 1196, the leading citizens proposed such a distribution of the common charge as would throw only the smallest part on themselves. Longbeard opposed them. The dispute waxed warm. He was overwhelmed with abuse, and charged with rebellion and treason. He is said to have retorted:—"The traitors to the King are they who defraud his Exchequer, by exempting themselves from paying their dues, and I myself will denounce them to him." He crossed the sea, went to Richard's camp,

and claimed peace and protection for the poor of London. Richard is said to have promised that right should be done; but thought no more of the matter. He was too much occupied with his military affairs, his tournaments, his troubadours, and his love intrigues to trouble about a dispute between his Viceroys and simple citizens, on so common a subject as taxation; so long as ample supplies were forthcoming. Hubert, Archbishop of Canterbury and Justiciar, though prepared to resist regal attacks upon his own order or upon the baronage, was indignant that a man of Longbeard's position should presume to appeal to the King in person, and on such a matter. In the insolent pride of authority he ordered that no citizen should go beyond the walls of London without permission; under pain of being deemed a traitor. The great annual fair of Stamford occurred at that time, and some of the citizens went, in spite of the prohibition. On returning, they were committed to prison. This high-handed procedure was protested against at meetings in the market-places; Longbeard being one of the chief spokesmen. It is not improbable that he said things in his indignation that afforded a pretext to his enemies. He was captured, after determined resistance, and, though wounded, was dragged at a horse's tail through the streets to the Tower, where, without any sort of trial, or by what was known on the Scottish border as Jedburgh justice, he was instantly hanged, with nine companions; "and thus," writes an old Chronicler, "perished William Longbeard, for having embraced the defence of the poor and of truth. If the cause makes the martyr, none may more justly than he be called a martyr."

Such instances show that the native spirit was far from being extinct. True, they are few and fragmentary, and they tantalize curiosity instead of satisfying it. A common bond of patriotism arouses a wish to know more of what was passing in that struggling and formative age, in the husbandman's homestead; in the artisan's workshop; by the fireside of the burgess; in the wayside inn; amidst the traffic of the fair and of the market; and in other gatherings of townspeople and villagers. Unfortunately, the old Annalists furnish scanty materials out of which to form a vivid picture. They were chiefly

interested, like modern writers of what J. R. Green designates the drum-and-trumpet style of history, in Court scandals; in battles and sieges; in monastic intrigues for property; in lying legends; and in the petty gossip of the age. Only by gathering and combining scattered references in contemporary narratives is it possible to present a general view of such matters as come closely home to men's businesses and bosoms, or of the ceaseless and irrepressible struggle for liberty: although, as in every age, there must have been "some hearts once pregnant with celestial fires."

After the time of Henry II., circumstances became favourable to a modified hereditary succession to the throne. This came to be the rule; not by Statute, but by prescription. It was admitted as the least of several evils. But the national right of choosing a monarch, and of declaring his rightful accession, was never surrendered, notwithstanding all the jargon of legal pedants. The Parliamentary title under which William III. ascended the throne after the Glorious Revolution of 1688, and by which all his successors have ruled, is but the embodiment in strict legal form of a principle that can be traced through a thousand years. It was definitely asserted alike in the cases of Æthelred, Harold, the Norman monarchs, the Angevins, Richard II., Henry IV., Edward IV., Richard III., and Henry VII. No man had a right to the throne unless called to it by the representative assembly of the nation. The modern figments that the throne is never vacant; that the monarch never dies; that there can be no interregnum; that the reign of the next heir begins the moment the reign of his predecessor ends, were all unknown prior to the time of Edward I. Such dogmas of venal lawyers and of sycophantic courtiers slowly grew with the usurpations of royal power under the Tudors and Stuarts. But the right of Parliament to determine or change the succession to the throne has been constantly exercised. The latest form of this was when the Regency was conferred by Statute in 1788, and again in 1810, during the insanity of George III. The existing Royal House reigns solely by a Parliamentary title. Its right is as good as that of Ælfred, or of

Harold, or of Henry IV.; but it is no better than theirs. The end is to secure the common good of the nation, of which law has thus settled the headship, with powers strictly defined and limited.

Spoken of with accuracy, if the claims of legitimacy and of strict hereditary succession are considered, King John was a usurper (b. 1166, r. 1199–1216). Intrigue and bribery had been employed by him and on his behalf during the prolonged absence of his brother and predecessor. The adhesion of some of the leading nobles and clergy was thus secured. Through them, he was installed as Duke of Normandy. In the same way he was chosen to fill the English throne; thus excluding Prince Arthur, son of his late elder brother Geoffrey, Duke of Brittany. In a Charter of the first year of his reign, John is styled "King by hereditary right, and through the consent and favour of the Church and people." His Continental possessions were insecure. Richard's death was the signal for the breaking up of the overgrown Angevin empire. Its widely scattered parts had no cohesion. With the exception of Normandy and of Guienne, the authority of John was unrecognised. In less than seven years, the former principality was lost, with the solitary exception of the Channel Islands. The proud line of dukes who had governed it for nearly three centuries, and had become more powerful than their feudal lords, the Kings of France, was at an end. Not only the broad inheritance of the sons of Rollo, but the conquests of William the Bastard in Maine and in the Vexin, the peculations of the Angevins in Touraine, with all that Henry II. had acquired through his mother and by marriage, and with all that Richard I. had plotted and fought for, were lost. Nearly the whole of these Continental possessions slipped away from John, like a sandbank undermined and engulphed by the remorseless sea. Thus the territorial work of the Conquest was undone; though with untold advantage to England, which escaped from becoming an insular appanage to a huge Norman Kingdom. An end was put to the long-existing confusion between the duties of the barons as English and as Norman feudatories. The constant influx of

foreigners, regarded as half-English because they were Normans, was stopped. The country began to be ruled avowedly on national principles, by her own statesmen, and for national purposes. Her people, gaining strength at the same time from other sources, hereafter described, learned to look with less tolerance on kingly vices, and to endure with growing impatience regal extortion. The last chance vanished of making England a feudal kingdom in the Continental sense.

Philip II. of France, the most ambitious and conquering of the line of Capetian kings, succeeded in wresting away one province after another, and he annexed Brittany after the capture and mysterious disappearance of young Prince Arthur in 1203. Unhappily for John's memory, all that is known tends to confirm the suspicion, firmly entertained and freely spoken of in his day, that he was guilty of the murder of his nephew. Arthur's sister, the Maid of Brittany, was sent to Bristol Castle, where she remained in durance for forty years. All the Angevin Kings of England were demoniacs, in a sense; culminating in John. The Chronicler, John of Brompton, records a tradition, which, if apocryphal, shows the prevailing sentiment. Strange stories were told of an ancestress of Eleanor, wife of Henry II., the mother of King John. One was that she would never stay in church when Mass was about to be offered, on account of some alleged crime. Being forcibly detained one day by her husband's orders, she mounted in the air with two of her children, passed through an open window, and was never more seen. Concerning this tradition, Richard I. is reported by Brompton to have made the grim comment,—which, however, is also ascribed to Heraclius, the Patriarch of Jerusalem, in an interview with Henry II. in 1185—"We came of the devil, and shall go to the devil." The personal aspect is a subordinate matter. Of wider import is the undoubted fact that the Norman and Angevin kings hoped and tried to establish a huge central military despotism; with the unexpected and unintended result of bringing the English nation to the birth.

While his French possessions were being torn away, John became involved in a controversy with Pope

Innocent III., who had dragged France and Germany at the wheels of his triumphal car. A difficulty arose over the appointment of a successor to Hubert, Archbishop of Canterbury, who died in July, 1205. The monks of St. Augustine's held a secret chapter and elected one of their own body. The King appointed the Bishop of Norwich, John de Grey, to the vacant See. The Pope set aside both, and nominated Stephen Langton; an English priest then resident in Rome, who had attained to the Cardinalate by virtue of his high character and great abilities. Events demonstrated that this was the best thing that could have happened; although the new archbishop did not prove to be a pliant instrument for Rome. He was one of the few men whose patriotism was above party, and whose religion held ecclesiasticism in check. Not until 1213, however, was he installed; owing to the strained relations between John and the Holy See. Replying to a letter of remonstrance from the former, the Servant of the Servants of God—a title first assumed by Gregory the Great—informed the King of England that there was no cause to tarry for his counsel, or to study his wishes, in the matter of this appointment. "Commit yourself, therefore, to our pleasure, which will be to your praise and glory; and imagine not, that it would be for your safety to resist God and the Church, in a cause for which the glorious martyr Thomas hath lately shed his blood." This last reference must be regarded as a menace, addressed to the son of the King who had resisted Becket's pretensions. The tone of the letter, and of many other Papal missives in the Middle Ages, recalls the phrase applied by Juvenal to one of the haughty mandates issued by the Emperor Tiberius:—"A verbose and grandiloquent epistle comes from Capreæ." As John refused to yield, he was excommunicated, and the kingdom was placed under an Interdict, which lasted for six years. During that time, no public religious offices could be performed, and the country was supposed to be given over to present heathenism and to future perdition. Philip of France was encouraged to threaten an invasion for purposes of conquest. To avert this, and other impending troubles

in Wales and Scotland, and probably also to secure the highest ecclesiastical aid in the struggles which had already commenced with the barons, submission was made to the Pope in abject terms. John surrendered his kingdom to the Legates, and received it back as a fief from Rome, subject to the payment of a thousand marks as an annual tribute, with an immediate fine of forty thousand marks, and compensation for all losses sustained by the bishops and clergy during the ecclesiastical ban. The triumphant settlement was commemorated at a high ceremonial in St. Paul's Cathedral on June 29, 1214. In November of the following year Innocent III. convened the famous assembly known as the Fourth Lateran Council. Four hundred and twelve bishops attended from all parts of Christendom, besides numerous abbots, priests, and inferior clergy. Seventy Canons were promulgated, asserting in the strongest terms the doctrine of Transubstantiation; ordering temporal rulers, under pain of excommunication, to punish all heretics, especially the Albigenses; and making stringent provisions for the celibacy of the clergy. In the proceedings of this Council, and in the general spirit that prevailed, Rome may be said to have attained its zenith. Never again were such arrogant pretensions made as those which characterized the popedom of Innocent III. He was the last of the Hildebrandists. Gregory the Great had not reached such a summit of power as was displayed in the decrees of the Fourth Lateran Council. Not that there were any signs of decadence for a long period; but the utmost limits were then reached. That vast conspiracy against human rights and liberties recoiled in the end with terrible force upon those who had used it for their own selfish, arrogant, and ignoble purposes.

CHAPTER XIII.

THE GREAT CHARTER OF LIBERTIES.

A.D. 1213–1216.

Concurrently with the loss of the greater part of the French domains, and with the prolonged but ineffectual struggle against Rome, there had been fifteen years of arbitrary rule in England. Taxation became increasingly severe and capricious. Henry II., during his contests with the Church, was careful to retain the allegiance and support of the barons. When they joined in the revolts of his children, he found means to secure the ecclesiastics. John aroused the dislike and the hatred of all orders. It is true that he inherited from his brother a legacy of bad government, of monstrous oppression, and of crying grievances. Close acquaintance with him disgusted and alienated the English, who had imperfectly realized the more distant faults of Richard in his rare and brief visits. John was ready to strain the prerogative for his own ends. His attempts at personal rule, instead of ruling by law and usage, brought him into collision with the barons. The ancient relations subsisting between them and the sovereign had undergone important modifications in the course of a hundred and thirty years. Customs tolerated by the earlier Norman Kings had concreted into rights. The barons perceived that their interests might not only be different from those of their feudal lord and head, but even in direct conflict. Since the practice of paying Scutage, in lieu of personal service in the field, had been generally adopted, the bond of mere retainership had relaxed. No fewer than ten such levies were made during this reign; and in increased amounts. These heavy and frequently-recurring demands were met with growing reluctance; culminating, in 1213, in an absolute refusal on the part of the barons to obey the King's summons for assistance in a contemplated renewal of the contest with France. They alleged that their tenure did not compel them to serve abroad, and they declined to follow him. For them, Normandy had ceased to present any interest or attraction. The descendants of Norman and

other foreign settlers in England had come to regard it as their home. Old distinctions of race and blood were obliterated. It was the consummation of a work for which, unconsciously yet effectually, kings, prelates, and lawyers had been labouring for more than a century.

Other exactions, some customary, others arbitrary, were made; such as taxes on moveables, varying from one-fortieth to one-seventh of the value, and levied at uncertain intervals; a carucage of from two to five shillings on every plot of land that could be ploughed in a season by one plough: taxes on goods imported: and other special imposts. The chief opposition was aroused by a system of capricious and illegal fines, imposed in excessive measure by the royal myrmidons. The entries on the Fine Rolls of the period show that, in order to replenish the royal coffers, money was extorted on frivolous pretexts, imposed in ways and for causes almost innumerable, and with a fertile ingenuity such as tax-gatherers have displayed in all ages and countries. Fines were levied as the price of conceding confirmations of ancient rights, or for grants of new franchises. Markets and fairs could be held only by such payments. Exemption from tolls, pontage, and passage could be secured in these ways. Large sums had to be paid for licenses to trade or to practise an industry of any kind. The records of the Exchequer furnish copious illustrations of exactions levied at that time—often under the euphemistic name of "gifts"—for purposes which would be simply ludicrous, were it not for the petty and grinding tyranny revealed. They extended to almost every act and condition of business and domestic life. Money was necessary to secure the King's favour, to deprecate his displeasure, to obtain his good offices, or to expedite or retard the course of justice. A fourth, and sometimes the half, of a debt was offered to him in order to obtain the remainder. No one solicited the royal favour without a present. John suffered from what Horace calls "the contagious itch for gain." Specific fines were imposed in order to remove suits and processes from inferior tribunals. Delinquents could be bailed or replevied by fines. If they were large enough, pardon might be purchased for trespasses, misdemeanours, felonies, and

even for murder. No right, enjoyment, exemption, privilege, or immunity was too trifling to escape official notice, or too important to be above its price, so that fines might be levied in augmentation of the royal revenue. Government chiefly meant the art of extorting money for the King's selfish uses.

Perhaps if details existed of the Chancery and Exchequer proceedings of former monarchs, their exactions by force of arbitrary rule would appear as odious. But the grievance culminated during this reign. The record is minute and authoritative. A few instances may be given, showing the vexations, losses, and injustice to which the English people were subjected in the early years of the thirteenth century by royal greed, caprice, and despotism. The citizens of London paid three thousand marks for a confirmation of their liberties, and those of Gloucester paid two hundred for the same liberties as were enjoyed at Winchester. The citizens of Lincoln gave three hundred marks for a confirmation of their rights. The men of Burgh, in that county, gave twenty, and a palfrey, for the right to hold a market every Sunday, and a fair of two days. Geoffrey Burgin paid one hundred shillings for the right to share in land left by his wife's father. William de Cressy gave twenty marks and a palfrey, that he might be sued only according to the law and custom of England in an impending action. The Bishop of Bath presented a golden ring with a ruby, that an action might be respited. William de Braose gave three hundred cows, thirty bulls, and ten mares, that an action of his might be accelerated. Geoffrey de Mandeville paid twenty thousand marks for leave to marry the Countess of Gloucester and possess her lands. Richard de Lee offered eighty marks to marry a rich widow. This offer, though accepted, was cancelled, because the widow consented to a fine of one hundred pounds not to be married. The Countess of Warwick gave a thousand pounds and ten palfreys to remain a widow, or to marry only with her own consent. The burghers of York were fined one hundred pounds for not meeting the King and entertaining his bowmen. The men of Worcester paid a hundred shillings for the right to buy and sell dyed cloth as formerly. Geoffrey Fitz-Pierre gave two good Norway

hawks for leave to export a cwt. of cheese. Richard de Leicester offered fifteen marks for the right to an office in Southwark, long held in his family; but Robert Fitz-Ardewin obtained it by outbidding him with a hundred marks. The Bishop of Winchester was fined a tun of good wine for not reminding the King to give a girdle to the Countess of Albemarle. Robert de Vaux gave his five best palfreys, for the King to hold his peace about Henry Pinel's wife: evidently referring to some Court scandal. Peter de Peraris paid twenty marks for leave to salt fishes as Peter Chevalier used to do.

These are but samples out of many hundreds, solemnly recorded in quaint and crabbed characters by the scribes of nearly seven hundred years ago. If the King, in pastoral phrase, was the shepherd, his function of tending the sheep was confined to shearing them. One department of the Exchequer was devoted to the Jews, who were constantly exposed to the rapacity of the monarch and his officers. There was frequent connivance while the mob indulged in assault and plunder. Occasionally, there was a ferocious onslaught; as in the time of Richard I., when nearly fifteen hundred Jews were murdered by the populace in London, Norwich, Lincoln, and elsewhere, but, most of all in York. John had all the Jews arrested, imprisoned, half starved, and many of them tortured, until a collective fine of sixty thousand marks was paid. There are numerous entries of Jews being amerced in sums ranging from one hundred to six thousand marks, as the price of not being further molested for a time. These despised and oppressed people, veritable Ishmaels, had come to England from Rouen in the train of William I.; though occasional references are made to their presence in Saxon times. Their money was essential in the squabbles and wars that were perpetually waged on the Continent. The Normans were largely indebted to them. Hated and loathed, yet feared, and necessary to the impecunious and the spendthrifts, they amassed wealth, in spite of occasional outbursts of violence, and by their clannishness and mutual resources, then as now, rendered themselves masters of the money-market. Their power and influence, in commerce, politics, and literature, are referred to in the fourteenth

Chapter, in connection with their expulsion from England by Edward I.

The instances already cited of taxes and impositions upon nobles, clergy, and citizens, for the free exercise of common rights of ancient standing, or for permission to live unmolested, account for the deep and widespread disaffection that prevailed. Another provocation is alleged by the contemporary Chroniclers, in John's licentious conduct with the wives, sisters, and daughters of many of the leading barons, who are said to have been exasperated by his boasts of having dishonoured them either by force or cajolery. His ignoble nature stood self-proclaimed. Similar conduct towards Lucretia led to the expulsion of the hated Tarquins from Rome; and it was the proximate cause of John's ruin. Combined with innumerable acts of oppression, it enrolled in opposition to him that phalanx of barons and clergy which proved invincible. It was against his personal dissoluteness and diabolism, as well as against the system of government which had prevailed more or less for a century, but reached its full development in his time, that the nation was at length aroused; with the effect that its ancient liberties were asserted and regained.

Discontent had been fermenting ever since John came to the throne. It began, indeed, during his viceroyalty; when he clearly showed by what methods he intended to misgovern England. It was not until 1214 that measures of active resistance were concerted by the barons and leading clergy. When Archbishop Langton arrived, the year before, he made John swear, not only to respect the rights of the Church, but to observe the good laws of his predecessors. In particular, he promised that justice should be administered according to ancient custom, and not arbitrarily, and that corporations and private persons should be restored to their rights and liberties. Without this oath, Langton would not remove the sentence of excommunication and the ban of Interdict. The next year he produced in an assembly of barons and clergy in St. Paul's, one of the few remaining copies of the Charter of Liberties granted by Henry I. Great pains had been taken to collect and destroy them; and few escaped. As the arts of reading and writing were

almost restricted to the clergy, recollection of the actual provisions of the Charter would speedily fade from the minds of unlettered men. Yet the absolute ignorance concerning it seems scarcely less of a historical wonder than the re-discovery of the lost Book of the Mosaic Law under King Josiah, and the sensation produced was corresponding. The Charter of Henry I., which was in itself the formal declaration and assurance of much older liberties, enabled the barons to insist upon a like confirmation, with necessary extensions. It was seen to furnish a precedent and a safe standing-ground for a great scheme of reform. Contrary to his solemn promises, John was marching an army of foreign mercenaries against such as had refused to join in his intended French expedition. Langton followed him to Northampton, and admonished him that it would be a breach of his oath at his recent absolution if he levied war upon any of his subjects, without first submitting the case in the Great Council. Threats of renewed excommunication were made if he proceeded further, and, at length, a day was appointed for an assembly. It was evident that the barons must succumb to despotism in the future, or secure their freedom by a bold and decisive course.

A number of them met at Bury St. Edmunds, November 29, 1214, and entered into a solemn confederacy before the high altar in the Abbey, to obtain a renewal of the old Charter, and to withdraw allegiance, and even to levy war, until this was conceded. The formal demand was made at the Christmas gathering of the Great Council at Worcester. John temporized, and tried to sow dissension among the confederates; but at length he promised that, if it were in his power and consistent with his dignity, they should receive satisfaction at the Easter assembly. He at once sent an embassy to Rome; and the Pope espoused his cause. Such aid came too late. In Easter-week, the barons assembled at Stamford, with a force of two thousand armed knights and many retainers, to receive or to enforce from the King a ratification of the ancient liberties and franchises. He was at Oxford, with his hired bravoes and cutthroats, drawn from the Continent, whom Langton threatened to excommunicate, with the King himself, unless they were dismissed

Deputies passed to and fro. John offered to appeal to the Pope, as feudal lord of England. The barons rejected the offer with disdain, and formally renounced their allegiance. They proclaimed themselves the Army of God and Holy Church. Their numbers rapidly increased. The yeomen in the counties, and the burghers in the cities and towns, flocked to their support. It was no longer a movement of one class or of one order, but it was participated in by representatives of all the freemen of the land. Vain attempts were made to detach some of the barons, by offers of special terms. Their army marched to London, where they were welcomed as national deliverers. John retired to Odiham, in Hampshire, with only a few followers, and sent to express his readiness to hold a conference. It took place early in June, 1215, at Runnymede, between Windsor and Staines, and lasted for twelve days. John resisted, evaded, and blustered as long as possible; freely uttering his usual oaths, "By the teeth of God!" and "By the feet of God!" Blasphemy, cajolery, and threats were alike useless with these stern, resolute men.

No particulars have been preserved of the memorable assembly; but many of the articles of agreement must have been long and hotly debated. It is certain that the King very reluctantly yielded to the restriction of his excessive powers, and to the definition of his constitutional authority. The rights and liberties claimed for the nation were at length reduced to form, and engrossed on a skin of parchment by skilled clerics, preparatory to the final settlement of the perfect legal instrument. Vague expressions in the older Charters gave place to clear and emphatic statements of popular rights; and the restraints of specific written law were imposed upon the Monarch. A copy of this preliminary schedule is preserved in the British Museum, which also contains two copies of the Great Charter itself. It was finally sealed on June 15, after several days of stormy debate. Another copy, with some additional sentences, is in Lincoln Cathedral Library, and others were brought to light by the inquiries of the Record Commission in the early part of the nineteenth century. Copies were deposited at the time, for security, in the cathedrals and

greater abbeys. These venerable parchments, shrivelled and faded, are pathetic mementoes of a successful struggle for the restoration of national rights. The Great Charter, although in the form of a royal grant, was, in reality, a treaty between the King and his subjects. In express terms it contained only one part of the usual covenant between two contracting parties, but its whole tenor implied the existence of the other part. The King granted an extension and a renewal of certain ancient liberties and customs, on the understanding that he was to retain the allegiance of the nation. The other high contracting party to the capitulation was the collective body of the people; as will immediately appear. One effect of his fifteen years' misrule was to undo all that had been done since the reign of Henry I. for the strengthening of the royal power. The nation became at one with itself, and realized its substantial unity and identity for the first time since the Conquest. The Battle of Hastings was reversed at Runnymede.

By the provisions of the Great Charter, the English Church was to retain her ancient rights and liberties. Relief was afforded to tenants of the Crown from the more stringent feudal bonds, especially in the matter of payments on death, which had become arbitrary and excessive. Heirs, being minors, were to be protected from mercenary men to whom they had been assigned as wards for a money consideration. Widows and female wards were secured in their rights, in like manner, and not forced into marriage against their will. Aids were not to be levied without consent of the Great Council, in which, according to the fourteenth clause, there was to be a representation of the smaller tenants-in-chief, as well as of the prelates and nobles. This was a virtual assertion of the principle of representation as precedent to taxation, and it led ultimately to important consequences. Courts of Common Pleas were to be held in fixed places. The encroachments of other Courts were restrained. Illegal fines were stopped, and also the custom of seizing commodities and carriages for the royal use without payment. The oppresive Forest Laws were mitigated, with the scandalous abuses prevailing under colour of such enactments. Foreign soldiers were

to be sent out of the kingdom, with certain specified royal favourites who had rendered themselves obnoxious. Some temporary and pressing measures of relief were definitely stipulated for; the known perfidy of John rendering this necessary. Three of the clauses deserve to be quoted in full, for they are the crowning glory of this memorable document:—"Nothing shall be given or taken for the future for the Writ of Inquisition of life or limb, but it shall be given gratis, and not denied." "No freeman shall be taken, or imprisoned, or disseized, or outlawed, or banished, or any way destroyed; nor will we pass upon him, nor will we send upon him, unless by the lawful judgment of his peers, or by the law of the land." "We will sell to no man, we will not deny to any man, either justice or right." Remembering what has been already stated, these clauses were essential. They gave security from arbitrary imprisonment and from official spoliation; thus providing for the two main conditions of social order and safety. They also established the general right of the subject to have the fact of his guilt or innocence of any charge determined by the free voice of his equals.

It was to a large extent a money grievance that led to the action of the barons. Fiscal oppression has often occasioned similar risings, and has brought about many reforms. Four Articles, defining the way in which consent was to be given in the imposition of taxes, are of great historical and constitutional interest, for they admit the right of the taxed to regulate this vital matter. The Great Council had been thus consulted in earlier times; but the right had never been so plainly and rigorously defined. A preliminary but essential step was now taken towards placing the power of the purse in other hands than those of the monarch alone. The principle thus established, that the consent of the taxed is essential, could not long remain inoperative. It is true that these stringent clauses were not repeated in subsequent confirmations of the Charter by Henry III. The statement in such definite terms in John's Charter seems to have been regarded as novel and startling, and better things were hoped for from his successors. Not for eighty years was every species of impost expressly forbidden, unless with

the consent of Parliament. This further step, secured by the great Confirmation Charter in the twenty fifth year of Edward I., showed how regal power might be legitimately, peaceably, and effectually subjected to legislative control, as expressing the national will. The final assertion and resolute maintenance of this right established for ever English freedom. All this was to be accomplished in due time. The principle had been asserted; and, like water slowly percolating through a small fissure in a dam, resistance proved ineffectual. Changes in form, and new or modified institutions, appeared as circumstances arose. Such changes, however, are always gradual. A perfect ideal has never been set up in the slow process of framing the English Constitution; as Burke clearly showed long afterwards. Some unendurable grievance has imperatively demanded redress. The mechanism of government proved cumbrous or defective. Altered circumstances brought about a necessary change. Fresh contrivances were devised to meet special exigencies. Occasionally, they became permanent. At other times, they were abandoned when the immediate object was attained. But the effects remain; and the spirit of progress never dies.

It is sometimes erroneously supposed that the Great Charter is the root and basis of existing English liberties. Many a rhetorical sentence of fervid oratory is rounded off, amidst the enthusiastic plaudits of excited listeners, by references to this Palladium of national freedom. It is not, however, a new code of laws, nor does it inculcate fresh principles of legislation. Its framers did not attempt to disturb the settled jurisprudence. Their object was to correct evils and wrongs which had grown out of certain feudal customs, under the despotism of the first William and his successors. The remedies devised were set forth, for convenience' sake, and using archaic and formal language, in a Charter "granted by the King to his vassals and the freemen of the realm." This great historical document had nothing whatever to do with the creation of English liberties. It established no new Courts. It made no innovations. It did not attempt a re-distribution of political power. But it accomplished something greater, better, and nobler. Ancient and indisputable

public rights, that had been filched away or continually violated, were re-affirmed. Abuses that had crept into the administration were corrected. Tyrannical practices, incompatible with civilized government, were forbidden. Barbarous license, on the part both of kings and of nobles, was restrained. All this was done because the passionate love of liberty, transmitted from Saxon times, was unquenchable. It triumphed alike over Norman, Plantagenet, Tudor, Stuart, and Hanoverian attempts at tyranny. Thus the Great Charter of 1215, like the Petition of Right in 1628, and like the Bill of Rights in 1689—a triad described by the great Earl of Chatham as forming the Bible of the English Constitution—did not confer fresh privileges. The demand of all true reformers and patriots has been for the observance of old laws, the neglect or violation of which led to grievances that required redress. This is true conservatism. Precedent has always been the inspiration and guide of all constitutional reform in this country. Englishmen have maintained that what their fathers legally did, they and their sons have a right to do.

Thus the Great Charter is a summary of the native and inherent rights of Englishmen, which Norman Kings had bound themselves not to abrogate or invade. But it was not a mere transcript. Ancient terms were defined, expanded, and strengthened; as was required by changed conditions. The document is a link between traditional rights and those secured in after times by constitutional and representative legislation. The rights themselves do not exist by virtue of any parchment; however dearly bought, or ably drafted, or solemnly sealed. They are the prerogative of every Englishman. No Monarch can give them, or suspend them, or take them away. They are the ancient franchises of the land; the priceless heritage in which all have a share. By some Sovereigns, who considered that the Charters of Liberties were extorted from their ancestors by imperious necessity, they were cunningly evaded, or conveniently forgotten, or surreptitiously suppressed, or openly defied, but they were invariably reclaimed by the people, who rightly regarded these documents as the formal expression of their inalienable rights. These, as has

been pointed out, were not fully enjoyed until after eighty years of struggle. During that time, many renewals were made of these Charters: a sufficient proof of how much they were abhorred by rulers, and how highly they were prized by the nation. With important additions and specific applications the Great Charter was ratified six times by Henry III.; thrice by Edward I.; fifteen times by Edward III.; six times by Henry IV.; and once each by Henry V. and Henry VI. Ever since it has been appealed to as the decisive authority on behalf of the people, as the varying necessities of the times required. Its framers might have paused, if they had foreseen what it involved. Within words intended only to apply to existing evils, mainly due to feudalism, there lay concealed truths of far wider scope, waiting to be applied in more auspicious days. Regular meetings of the Great Council were insisted upon for the purpose of controlling the Throne; leading, by the inexorable logic of events, to forms of popular election which effectually controlled the nobility. The assumed authority to protest against the unrestrained power of taxation by the prince, led to that power being forfeited in a like case which was supposed to be reserved to the barons. In almost every clause the rights of the commonalty are asserted or implied. The interest of the freeholder is coupled with that of the barons and knights. The stock of the merchant, and even the "wainage" of the villein, are protected from undue severity of amercement; as well as the settled estate of the earldom or the barony. For the first time, the English people, irrespective of rank, appear as a united whole. In every case in which the privilege of the simple freeman is not secured by terms that primarily affect the baron or the knight, a supplementary clause is added to define and protect it.

Probably the barons did not perceive the logical and ultimate tendencies. Few men are gifted with prescience. It is easy to be wise after the event. They may not, consciously, have stipulated for an acknowledgment of the political rights of the whole nation; although it is significant that one third of the Articles relate to promises and guarantees made on behalf of the people at large. In struggling for relief from pressing evils, they secured

for after generations the right to claim immunity from similar evils. Doubtless they would have repudiated with surprise, if not with scorn, the glittering rhetorical praise accorded to them by the Earl of Chatham, in one of his famous speeches in the House of Lords, when he compared these Iron Barons to the Silken Barons of modern days. For all this, honour must not be withheld from these strong, stern, resolute men, for what they accomplished. Stephen Langton claims grateful and perpetual remembrance. The cardinalate never rested on more worthy shoulders. The rank of a Prince of the Church was ennobled by the wearer. In an unlettered age, he cultivated with success the highest learning with the accomplishments and graces of literature. Jahn attributes to him the division of the Vulgate Bible into chapters. Next to Bæda, he was the most voluminous and original commentator on the Holy Scriptures. He left a large number of sermons, and was famed as a historian and a poet. At a time and under circumstances apparently unfavourable to the growth of freedom, he placed himself at the head of a great movement, which he guided with consummate skill and courage to a successful issue. The representative of a mighty ecclesiastical hierarchy, the recognised leader of the national Church, he never forgot that he was also an Englishman and that it behoved him to act as a patriot. He revived the traditions of the Church in her best days, when she was a barrier against regal oppression, and sided with the general interests of humanity. No official list remains of those who followed this distinguished leader, but many of the barons are enumerated by Matthew Paris as being present and taking an active part in the assembly at Stamford. Some of them adhered to John as long as possible, but were at length constrained to abandon him and join the larger number who from the first had taken a decided stand. Their traditions and interests were opposed to feudalism. Their relations with the Continent were slight; compared with those of the old Norman nobility.

John remained obstinate, until all but his foreign mercenaries had forsaken him. Then, as he had no longer the means of satisfying their rapacity, he sullenly

yielded. Owing to his notorious duplicity, the barons exacted securities for the performance of his part of the compact; although he, like themselves, had sworn in the last clause that "all the things aforesaid shall be observed *bonâ fide*, and without any evil subtlety." There had been so much false swearing and crafty evasion on his part—for he was "a liar of the first magnitude," to use Congreve's phrase in 'Love for Love'—that they required him immediately to disband and send out of the country all his foreign troops, with their families. It was also stipulated that for two months, or until the Charter became effectual, the barons should remain in the City of London, and that Cardinal Langton should hold the Tower. Twenty-four members of their own body were chosen as Guardians of the Liberties of the Kingdom, with power, in case of any breach of the Charter, to make war upon John, who exclaimed in his passion,—"They have given me four-and-twenty over-kings"; casting himself upon the ground, and foaming and cursing in impotent rage. Such precautions were imperative in dealing with one so faithless. Probably nothing better could have been devised at the moment; but it could not serve as an abiding system.

The sequel proved that he did not intend to keep faith. No promises or oaths could bind such a man, any more than Samson could be bound by the arts of the Philistines. He again appealed secretly to Rome; invoking the powerful interposition of the Pope, and representing the concessions extorted from him as contumely offered to his liege-lord. A Bull was issued in response, declaring the Charter null and void, absolving him from his oath, and prohibiting him, under pain of anathema, from observing it, and the barons from exacting compliance. Langton refused to publish this, or to pronounce on the barons a sentence of excommunication, as he was ordered. Instead of doing so, he and the other bishops denounced and threatened to excommunicate all who violated the Charter. For this he was suspended from his high functions, and did not regain them until after the death of Innocent III. in the following year. Even when the Papal decree was promulgated in England, it produced but little effect. Most of the clergy were on the popular

side. They had to choose between the Crown and the nation. They adhered to the latter, in spite of the attitude of the Papacy. They maintained the cause of liberty, hand in hand with the barons against the King, as they had before stood in the cause of liberty against the barons. At that period, the clergy were more national than Papal; whatever they became in the course of a century. Let honour be done to the prelate-statesmen and patriots of that age and the one succeeding, whose claims on the gratitude and reverence of posterity can never be forgotten and must not be disparaged. Stephen Langton, Robert Grosseteste, Adam Marsh, the Cantalupes, Robert Winchelsey, John Stratford, William of Wykeham, and other archbishops and bishops—men differing in character and ability, having immediate purposes to achieve, and varying in importance—form an illustrious line to whom subsequent liberties are largely indebted.

John did not solely rely on such friendly fulminations as came from the Vatican. Like all dastards, he could be cruel and brutal, as well as false. He despatched emissaries through the Low Countries to enlist the aid of fresh mercenary troops. Hordes of these ferocious adventurers speedily flocked over, as in the days of William the Norman, attracted by high pay and the hope of plunder. As he had burnt Tours and Le Mans with wanton vindictiveness in 1202, so now he ordered or connived at the diabolical conduct of his foreign hirelings. They were let loose against the estates and tenants of the barons. The inhabitants, driven from their homes, were robbed of everything they possessed, and many were butchered on their own hearthstones. The chief scenes of these outrages were the district from Nottingham to the Northern parts of Yorkshire, and the Fen region of Lincolnshire. The marauding expedition, like that of William I. a hundred and fifty years previously, was one prolonged course of rapine, fire, cruelty, and lust. At the same time, the King's bastard brother, the Earl of Salisbury, with another mercenary army, was ravaging the South of England. This state of things continued through three dreary months, and might have led to a general Civil War, or to the carrying out of a

project that was actually begun, to place on the throne of England Louis, son of King Philip II. of France, and the husband of John's niece. Each side was prepared for the conflict, and a crisis seemed imminent. Place after place surrendered or was captured. London was the principal city that remained to the supporters of the Great Charter. In this extremity, the overtures were made to Louis, who accepted the proposal and came over with a large body of troops. When John fled before him from Winchester he had the city fired in four places as he abandoned it. The future destinies of England were trembling in the balance, for if the scheme had been effected, she would have become a part of the French Kingdom. Fortunately, the catastrophe of such an absorption, as well as the danger of an impending Civil War, were averted by the sudden illness and death of John, on October 16, 1216, in the forty-ninth year of his age and the seventeenth of his contemptible reign. In this appropriate manner, one of the most despicable men drops out of history. A contemporary verdict is, —"Foul as it is, Hell itself is defiled by the fouler presence of John." Not that he was the mere voluptuary commonly described. He was that, in a shameless degree, with superadded dissimulation, treachery, cruelty, and avarice. In these respects, he was as bad as the worst of the Angevin race whence he sprung. Like them, he possessed great natural capacity. Like them, too, he was superstitious; with a scoffing indifference to religion. Yet he was not the indolent, foolish, incompetent creature commonly depicted. He could be bold, prompt, fertile in resource, and daring in war. Like many royal despots, he could be agreeable and genial, when it suited him, especially with women; though he did not scruple to sacrifice them when the transient passion was gratified. Some of the best and the worst of the demoniacal Angevin nature appeared in him; but the worst largely predominated.

The long and fluctuating series of Struggles for Liberty, from the time of the Norman Infusion, was the necessary preparative to a period of National Formation.

Period III.—FORMATION.

A.D. 1216–1327.

Chapter.

14.—The Papacy and the Friars.

15.—King, Barons, and Commons.

16.—Law and the Judicature.

17.—Disputes with the Clergy.

18.—Scottish Affairs.

19.—Domestic Manners in the Thirteenth and Fourteenth Centuries.

20.—Agriculture, Travelling, Etc.

CHAPTER XIV.

THE PAPACY AND THE FRIARS.

A.D. 1216–1246.

At the time of John's death, his eldest son was only ten years of age. It seemed extremely doubtful whether he would succeed to the throne. Louis of France was still in England, at the head of those barons who had invited him over. He was not disposed to surrender what he had gained, or to forego the chance of securing an insular kingdom. A Civil War appeared inevitable. The greed of his followers, and his bestowal upon them of places and of wealth, to the exclusion of his English supporters, angered many of the latter. After several slight losses, he was signally defeated in a contest at Lincoln, in 1217. He then abandoned the project and returned to France where urgent affairs awaited him. William Mareschal, or Marshall, Earl of Pembroke, used his great influence with the barons, and induced them to consent to the coronation of the boy-king, Henry III. (b. 1206, r. 1216–1272), which was performed in Gloucester Abbey, October 28, 1216; twelve days after his father's death. Pembroke was chosen Protector of the kingdom during the minority. His first act was the renewal of the Great Charter. Orders were sent in the royal name to the Sheriffs of all the counties for this to be publicly read in their courts, and they were strictly enjoined to see that its provisions were observed. The vital clause protecting the subject from arbitrary taxation was, however, omitted; nor did it re-appear in subsequent confirmations during this long reign. Doubtless its novelty was felt to be an encroachment on the prerogative, or better things were hoped for.

Writers of the period speak of the high opinion in which the Protector was held. He endeavoured to restore peace and confidence among the nobles. He urged that past offences and complaints should be forgotten. An amnesty was proclaimed, and his known character inspired confidence that this would be observed. He ruled England wisely and justly. Her rights were

guarded against the attacks of the Papacy. Had Pembroke lived, Henry III. might have been spared much subsequent trouble; but the Earl died in May, 1219, and his successors were not so strong, or wise, or patriotic as he had shown himself. Four years later, at the request of Hubert de Burgh, the Justiciar, Pope Honorius III. (r. 1216–1227) issued a Bull, declaring Henry of full age—he was then seventeen—and ordering all who held any of the royal property to surrender it. The barons feared that he might disavow what had been done during his minority; therefore, when an Aid was demanded to commence a war against France, it was given only on condition of the Charters being again confirmed. During the first forty years of this prolonged but inglorious reign, prodigality and favouritism prevailed. These brought about inevitable retribution, and led to the widening and consolidation of popular rights. Seeds planted ages before, like the acorn, had slowly germinated. Liberties long kept in abeyance were reclaimed. "The strong man," to quote the sublime image of Milton, "was aroused from sleep, and shook his invincible locks." As is always the case in political and social crises, and as has been shown in the history of the Great Charter, the men actively engaged may have had only a dim perception of the ultimate issues. They contended for relief from pressing grievances. Yet this was part of a true development in the eternal law of progress.

Only two series of events in this reign call for remark. The first was the struggle of the nation with the Papacy. The other was the continued struggle of the Crown with the barons. Successive Pontiffs, carrying out the policy of Hildebrand, had gained vast power over all the nations of Europe. This had made them more bold and grasping. Any one daring to oppose the demands made was stigmatized as a heretic, and threatened with condign punishment in this world and in the next. The successors of Pope Innocent III. were not inclined to lose the advantages which he had secured over such a weak and unprincipled monarch as John, and in a country so rich as England. The Papal scheme was aided by the feeble character of Henry, and by the social disturbances during so large a part of his life. Pandulph,

the Legate, assumed an authority and swayed an influence that threatened the establishment of a despotic rule under a foreign priest, dictated by a foreign potentate, and enforced by the spiritual censures of Rome. The explanation of this lies on the surface. The aid rendered by the Papacy in securing and maintaining peace with France, was recent and signal. The reforming party was, for the time, prostrate. Many of the nobles were absent on a Crusade. The weakness of the administration was extreme, owing to the prolonged disputes and waste of war. The revenue was almost extinct. Cardinal Langton was still under a cloud, though he had been restored to his high functions; but the presence of Cardinal Pandulph was intended as a restraint upon him. There were unsettled difficulties with Scotland, and it was impossible to levy any taxes in Ireland. In Wales, Llewellyn, bribed into temporary quietness, was only awaiting an opportunity to resume a chronic, harassing warfare. The truce with France was about to expire, and the few remaining English provinces in that country were in a state of anarchy. The nobles at home were quarrelling with one another, and the governors of the royal castles held them for arrears of pay due to themselves and their troops, or for the granting of privileges which meant tyrannical monopolies. This seething, bewildering maelstrom, with a boy as nominal ruler, and without strong and wise hands to guide the helm, was perilous for the ship of State. It furnished an occasion on which Rome eagerly seized. At this juncture, some new allies arose to spread and deepen her influence, although they were at first viewed with suspicion, and even were disowned.

Mention has been made in the fifth Chapter of the earlier Monks; including the Orders of St. Benedict and of St. Augustine, with the Carthusians and the Cistercians; all of whom had in their time rendered great services in support of Papal claims. So long as pristine purity and simplicity were maintained, a useful work was achieved. With prosperity came degeneracy. Each of the Monastic Orders, as it became rich and powerful, also became proud; broke its early vows of poverty, cast off its stringent rules, and forgot the purpose of its existence.

As owners of extensive domains; living in stately edifices; with trout-streams, fish-ponds, chaces, and warrens; with flocks and herds innumerable; and exercising feudal rights over large bodies of retainers, some abbeys and monasteries wielded an influence that vied with baron or with king. Lord Abbots and Priors were little potentates. The wealth of the great monastic foundations was a menace to society. From the end of the twelfth century until the Reformation they continued as splendid hostelries. Their estates enjoyed great advantages and exemptions, and, on the whole, were well managed. Their abbey churches were magnificent shrines, rivalling the cathedrals in grandeur and costliness, and in imposing ceremonials. But, with a few honourable exceptions, there was nothing in the system that rendered spiritual service. Prayers were offered unceasingly, and the prescribed ritual routine was gone through with punctilious monotony; but the spirit of real devotion had fled from the stately fanes it had reared. Elaborate rituals, gorgeous vestments, fragrant incense, sensuous music, and a rigid observance of canonical minutiæ, could not supply the place of zeal and charity, of righteousness and faith. These spiritual lotus-eaters became effeminate and weak. Their exemption from episcopal control, owing to the mistaken and selfish policy of Rome, led to their escape from supervision, and proved the need, as it was one of the causes, of their suppression in the sixteenth century.

The latest work written by Giraldus Cambrensis, probably about 1215, was the 'Speculum Ecclesiæ,' or, the Mirror of the Church. In it he describes with unsparing hand, and in terms which cannot decently be rendered out of the original Latin, the monastic degeneracy of his times. He gives piquant stories of the ambition, worldliness, corruption, and hypocrisy that prevailed; some of which, it must be hoped, for charity's sake, are exaggerated, if not conjectural. He says but little of the most influential and important Order of the Benedictines. His severest animadversions are directed against the Cistercians, the youngest branch of that Order, who first arrived in England in 1128, and settled at Waverley Abbey, near Farnham, Surrey. They osten-

tatiously renounced all those indulgences in dress and diet which the older Monks thought to be not incompatible with the strictness of their profession. Labour and asceticism, both of them in somewhat obtrusive forms, were the avowed objects of their rule. For a time, they were highly popular and successful; but their reputation was short-lived. To them, however, England is largely indebted for the improvement in sheep-breeding, and for the finer kinds of wool which afterwards became so large an article of commerce with Flanders; as well as for an improved breed of horses and the introduction of superior methods of farming. The popular estimate of the older Monks appears in 'The Land of Cockayne' (from *coquina*, a kitchen); an English poetical satire of the end of the thirteenth century. It describes a region free from trouble, where the rivers ran with oil, milk, wine, and honey. The White and Grey Monks had an abbey, of which the walls were said to be built of pasties, the floor was paved with cakes, and the pinnacles were puddings. Geese flew about roasted, crying, "Geese, all hot!" and the monks did not spare them, according to the satire.

Just at this time, by way of protest and re-action against these effete bodies, and as their avowed opponents, two men appeared in different places, and founded two new Orders. The members were not to flee into deserts, nor to remain shut up in monasteries. The spiritual egotism which in some sense limited the work of the cloister to the sanctification of the individual, was to yield to a more comprehensive range of duties. The new votaries were to go among their fellows, in the village, in the town, in the city, in the market, and in the camp, and were to subdue the world by preaching, and by ministering to the temporal needs of men. They were not, at the outset, theologians or dialecticians. They propounded no system of dogma. To preach and to minister was their mission. The founders of both Orders were prophets and heroes, though differing in type. Both sought the unattainable, and pointed to a high level which ordinary men could not reach. Yet they were of use in their day. Even their impossible aims and ecstatic hopes were sublime. St. Dominic, the founder of the Dominicans,

was born in 1170, in Old Castile. Twelve years later, St. Francis, who established the Franciscans, was born at Assisi. Both enjoined upon their followers poverty and obedience. Within a few years their numbers amounted to thousands. The Dominicans were known in England as Black Friars; from their dress. The name is perpetuated in London in the precinct given to them in 1276 by the Corporation, after they had been settled more than fifty years. The White Friars, close by, were connected with the Carmelite Order, whose name was derived from a tradition that they were originally founded by the Prophet Elijah on Mount Carmel.

The Dominicans, though they arrived first in England, never obtained an influence over the people like the Franciscans; who first settled here in 1224; four years prior to the death of their founder. Within thirty years, they had forty-nine convents and twelve hundred members. They called themselves Minores, or Minorites; as being the youngest and humblest of the Religious Orders. The name commonly given to them by others was Grey Friars; from the colour of their habit. Dressed in a long robe of coarse cloth; bareheaded and barefooted; begging their bread from house to house; dwelling in the most crowded and unhealthy parts of towns; ministering to the poor, the outcast, and the leper; the voluntary poverty and self-denial of the early Friars removed the scandal brought upon Christianity by the pride, the wealth, the ostentation, and the superfluities of its official representatives. The necessities of the class among whom they laboured developed a suitable style of preaching and of living, such as people could understand and feel. Out of their own experience and struggles, these men uttered plain, earnest, burning words. Their sermons were full of homely appeals, pithy parables, bold denunciations, and racy anecdotes. Men had been taught that clergy and laity were distinct and opposite. Religion, hitherto standing apart and separate, was brought into daily life; appealing to a common humanity. Its practical aspects were constantly presented by these teachers, who were like the poorest of their hearers; learning alone excepted. It is not surprising that this should have seemed to men a blessed escape

from the dryness and formalism of theological controversies; or that Christianity appeared to them for the first time radiant with attractiveness and beauty. The intense realism carried men captive. Still more was the feminine mind subjugated, through its instinctive reverence and love. Shakspere's delineation of Friar Laurence, in 'Romeo and Juliet,' is historically correct, in the minutest particulars. It shows how, notwithstanding the prejudices of his time, he represents in the individual the prominent features of the Order, and brings them forth to the gaze of his readers, unsullied by the base alloy of later and corrupt times.

The Franciscans and Dominicans speedily gained great influence throughout Christendom. They called themselves *Fratres*, or Brethren. Through the French word, *frères*, they were commonly designated Friars in England. The antagonism between them and the older Monks is explicable; because the difference was one, not of degree, but in essential nature, objects, and policy. Complaints were common that few came to confession except to the Friars. They exercised the special right of absolving all persons without distinction, and without leave of the parish priest; who could not view with complacency the loss of his fees. Matthew Paris shrewdly suggests that it was easier to confess an act of shame or sin to a strolling Friar, whose face might never be seen again, than to the local priest, whose conduct was probably not purer than the penitent's. It is not surprising to meet with constant lamentations that the parish churches were deserted, that clerical dues were not paid, and that all clerical authority and order were at an end. In former ages, the Monks had contemned the secular clergy, and largely appropriated parochial tithes. Now, both classes were animated by a common dislike of the Friars. The vast influence of these mendicant revivalists and agitators, exercised with aggravating arrogance, was gained, partly by the zeal of the virtuous and sincere; partly by the mental powers and force of character of some of the members; and partly by the popular belief in their bold and earnest preaching. Through this, and their self-denying labours, they accomplished much good for a short time; but they, too, at length, with a few honourable exceptions, violated the rule of poverty.

The duration of their pristine simplicity and true grandeur cannot be reckoned by many decades. Even before the close of the thirteenth century, Franciscans and Dominicans alike had succumbed to the palsy induced by worldly wealth and luxury. They became as eager for riches, and as proud and ambitious as any of the earlier Religious Orders. Unlike them, they were not great landowners, but they accumulated vast possessions in other ways. Finding their primitive rule too strict, relaxations and privileges were obtained from successive Popes. Urban IV. solved the difficulty by the ingenious explanation that they might enjoy the usufruct of their possessions; but that the actual proprietorship vested in himself. This verbal jugglery sufficed. Cloisters were built, large enough and grand enough for palaces, and, as was said at the time, "fitter for magnates than for Mendicants." Rich persons were urged upon their death beds by Friars to make wills for the benefit of the Orders. In hundreds of wills still existing there are entries of legacies to the Friars for masses and for other specified purposes. In this respect, they only copied the example set for generations by the older monastic bodies. Many persons thought, and were encouraged to believe, that they could not be saved unless they had a Dominican or a Franciscan for a spiritual guide. Numbers also joined as lay-members, on purpose that, when dying, they might be wrapped in their garb, which was held to be a sure passport to heaven.

Although despising the rule of the Cistercians, as rude and rough, and blaming the older Benedictines for their pride and pomp, most of the Friars became as anxious for promotion and rewards, and contrived to seize upon rich posts in Church and State. There was an extreme party, known as Observants, who adhered for a time to the ancient rule. The full narration belongs to a later age, when Wycliffe fulminated against the arrogance and corruption of the Mendicants, as they came to be generally termed. Of the original stock, however, it is impossible to speak without respect and honour. Their remarkable growth was owing to their high character and their noble services to suffering humanity. In their purer days these Orders included some great scholars

and men of genius; such as Albertus Magnus, Thomas Aquinas, and Savonarola, among the Dominicans; and John Duns Scotus, the Subtle Doctor, Occam, St. Bonaventura, and Alexander de Hales, the Irrefragable Doctor, among the Franciscans. Greater than all, is the single name of Roger Bacon. Two centuries later, the renowned Cardinal Ximenes (1437–1517), honourably associated with the 'Complutensian Polyglot,' was a member of this Order; which also gave five occupants of the pontifical chair. Before the reign of Henry III. was half over, the Franciscans exercised a predominating influence in Oxford University, under Adam de Marisco, whose school was renowned throughout Christendom. If it was less in Cambridge, it was supreme throughout European seats of learning. They rivalled, and in many respects excelled the Dominicans: exhibiting a marked contrast to the contempt of book-learning which St. Francis had always displayed. Thus they helped to raise the intellectual life of the time into a higher region, and to prepare the way for subsequent developments. The Franciscans found that they could not dispense with culture; as the Dominicans found that they must renounce wealth, formally, at least, in order to succeed.

Such were the new allies of the Papacy. They sought to uphold and extend its power to the utmost. In return for favours shown, as in the authoritative recognition of their special work, and in being free from episcopal control—thus perpetuating the mistake that had been committed with the earlier monks—they were diligent and earnest in preaching on behalf of the absolute supremacy of the Pope. His dues and levies had greatly increased, and new means were constantly being devised to extend them, and to bring into subordination not only the clergy but the laity. When a lucrative office became vacant, there was always some dispute. Thus, on the death of Langton, in 1228, the monks of St. Augustine's Priory at Canterbury, asked the Pope to appoint one of their own number; but he was set aside for a nominee of Rome. Between 1215 and 1264 not fewer than thirty contested elections of English bishops were carried thither for decision. Henry III. was weak enough to promise the Holy See one-tenth of all the moveable

property in the Kingdom; and a Legate was sent to collect it. The demand gave rise to angry complaints and to much resistance. Some refused to pay; like the Earl of Chester, who said he would hang any messenger from the Legate. Less trouble arose with the clergy; for the bishops and abbots were required to advance the money for all within their jurisdiction, with leave to get it back when and how they could. The first exaction of the kind was made in 1228, and it was repeated several times in various proportions during the next twenty-five years. The sale of livings was also openly carried on. The highest bidder for clerical office procured it, without regard to fitness. The Popes claimed and used the power to supersede all persons of whom they did not approve, or whose obsequiousness was doubtful; or who would not pay enough. This explains the attitude of the English bishops and clergy; for the liberties of the Church, as well as those of the State, were endangered by the encroachments and the cupidity of aliens. The wrongs of the nation were set forth in a letter addressed to Pope Innocent IV. in 1246, by the King, the prelates, and the barons. Numbers of ecclesiastics were sent over to fill vacancies, or these were held *in commendam* by foreigners who lived abroad and received the revenues. No fewer than three hundred Italian priests arrived on one occasion, and the Legate was told that no benefices were to be filled until these had first been provided for. The amount thus alienated and sent out of the country every year was said by Bishop Grosseteste to be three times as much as the Crown revenues.

Robert Grossetête—usually written Grosseteste—or Greathead, was Bishop of the enormous diocese of Lincoln, from 1235 to 1253. He was born at Stradbrook, Suffolk, in 1175, and was one of those patriotic Englishmen who tower in magnificent proportions above the men of their time, and whose courage and fidelity are gratefully remembered. Threats from Rome and monitions from Canterbury fell harmless upon this noble prelate. Roger Bacon, himself a Franciscan, refers in terms of warm appreciation, as do other distinguished contemporaries, to some of his writings. One of these, 'De Cessatione Legalium,' served to inspire Sir John Eliot

and the actors in the Great Rebellion, as it is termed. Grosseteste was skilled in all the learning and science of his day, and wrote voluminously upon a great variety of subjects. Without depreciating his literary attainments, his fame chiefly rests upon his persistent stand for the freedom of the English Church and nation, against the aggressive policy of Rome. He strove to raise the character of his clergy, to uphold ecclesiastical discipline, and to guard the national independence. He welcomed and befriended the early Friars, because of their zeal and devotedness. In particular, he opposed simoniacal presentations to benefices; from however high a source. He was equally opposed to the appointment of unfit persons to offices by King or nobles. Pope Innocent IV. conferred upon his own nephew a rich canonry in Lincoln Cathedral. Grosseteste wrote a sharp epistle, refusing to recognise him. He was one of the foremost to denounce the rapacity of the Roman Curia, and to resist the continuous illegal attempts of Henry III. to raise money. Simon de Montfort found in him a trusty friend and a sagacious adviser, and made him tutor to his sons. With a fidelity alike beautiful and rare, he did not shrink from uttering words of counsel and of caution when, as he judged, the great Earl needed them. Actuated by a high sense of duty, uncompromising in opposition to abuses in Church and State; diligent in the discharge of Episcopal functions, and, withal, a thorough Englishman, he exerted vast influence. The memory of such a man never dies. It is stimulating to meet with this patriot prelate—a worthy compeer of Cardinal Langton—on the arid plains of clerical corruption and greed in the Middle Ages. There have always been witnesses for righteousness. This high-minded bishop was one of the precursors of Wycliffe; though, like Wycliffe, he had no thought of breaking away from the Church, but only of reforming it. He could not, single-handed, stem the evil tide; but he would not swim with it.

Besides the Papal and clerical exactions already set forth, people were constantly urged to make presents to the Church, and to buy relics at high prices. A lucrative trade was driven in these articles for centuries. What

ever were the faults of Henry III. as a monarch, he won golden opinions from ecclesiastics. Towards them he manifested lavish generosity. Clerical writers rarely saw any fault in a man who made great gifts to their own order. Many instances of his munificence occur in the Exchequer Records. Almsgiving, feeding the hungry, clothing the naked, and, above all, the building and endowment of churches and monasteries, were thought to be peculiarly acceptable to God. Patience and gentleness towards other men, whose opinions on religious matters differed, were then, and for hundreds of years after, quite unknown. This is clearly seen in the history of the long-oppressed Jews, whose tale of woe and suffering, dismal enough before, became darker and sadder. Sheriffs were ordered to see that all Jews wore on their upper garment two white tablets of linen or of parchment. The order, though it seems harsh and degrading, was probably made with a view to protect them from assault and robbery; as they were virtually the serfs of the monarch. None could then say they did not know a Jew when they met him. By large payments at various times, these despised people had bought a precarious kind of protection. In 1223, the clergy expressed anger at the countenance extended to the Jews by the Government. The Archbishop of Canterbury and the Bishop of London ordered that no persons should buy anything of them, or sell them food, or have any dealings or speech with them. They appealed to the King for protection; doubtless with a handsome bribe; and directions were sent to the Sheriffs to prevent the order from being carried out. They were also instructed to imprison all persons who refused to sell provisions to Jews. Nothing more is said of them in the records of the next seven years, and it is probable that they were not molested. But in 1230, Henry III. being in urgent need of money, demanded one-third of all their moveables. In vain they remonstrated. The royal necessities constituted unanswerable logic; as the Jews found to their cost. Soon afterwards, they had to submit to another act of outrageous wrong. By leave of the King, dearly purchased, they had built in London, at great expense, a synagogue of much beauty. As soon as it was finished,

he had it seized, and gave it to a company of monks for a church, in return for a large bribe. Between the years 1230 and 1271 the taxes wrung from the Jews in England, as entered in the Rolls of the Exchequer, amounted to one hundred and thirty-eight thousand pounds; besides unspecified sums in several years, and another third part of all their goods in 1239. This recorded amount represents upwards of two millions in modern value. Fuller says that Henry "not only flayed the skin, but raked the flesh and scarified the bone of all the Jews' estates in England." In vain did they petition and protest. Their complaints were met by increased rigour. They were hated and oppressed on all hands, and chiefly by needy nobles and other persons who were their debtors. Royal Ordinances and Proclamations piously denounced the Hebrews and their practice of usury; yet, from the Monarch downwards, all were eager to borrow, and unwilling to repay. No one pitied them.

One Ordinance of 1253 prescribed, in terms of comprehensive vindictiveness, that "no Jew shall remain in England who does not render service to the King. There shall be no schools for Jews except in places where they have been kept of old. In their synagogues, all Jews shall pray in a low voice, so that Christians may not hear. Every Jew shall pay dues to the rector of his parish. No Christian woman shall suckle or nurse the child of any Jew, nor shall a Christian serve with Jews, eat with them, or abide in their houses. No Jew shall eat meat in Lent, or detract from the Christian faith, or hinder another who may be anxious to become a Christian." Infringement of any of these rules involved the seizure of all their property. In spite of this, their wealth increased; for their command of ready money, here and on the Continent, rendered them absolutely necessary in those impecunious and wasteful days. They were forbidden to hold real estate—the feudal tenure of land being military service, from which they were exempt—excepting houses in walled towns for their own use. These were always in a separate quarter, known as the Jewry; but crafts and trades then usually had their own quarters. The name is perpetuated in London and elsewhere. Some years later, in 1290, after two centuries

of persecution, the Jews were expelled the country; to the number, as was said, of fifteen thousand. They were also banished from the Continental possessions of Edward I. They made no attempt to return until the time of the Commonwealth. The assigned reasons were that they clipped the coinage, and were guilty of excessive usury. The true reasons may be easily conjectured. As a matter of great favour, they were permitted to take a small part of their moveables, and sufficient money to defray the expenses of their journey; but their houses and the rest of their possessions were seized for the King's use. A minute inventory was made; in every line of which their great wealth appears. Lamps of brass, rings of gold and silver, vases of precious metal, jewels, cloths and tapestries from famous Oriental looms, richly decorated armour for knights; jewelled girdles and costly dresses for ladies, are among the articles enumerated. The records of the following years contain many grants of dwellings and property formerly belonging to the Jews. The cathedral and monastic libraries were enriched by valuable Hebrew leather and vellum rolls of the Old Testament Scriptures and other ancient writings. They perpetuated Hebrew and Oriental learning, and to them Europe owed the transmission of the works of Aristotle, through Arabic translations, with philosophical and medical writings of Greece, the originals of which are long since lost.

The influence of Jewish learning and literature made itself felt in Oxford, as in various Continental Universities; and it remained long after the race was expelled from England; part of that mysterious, far-reaching, and permanent influence which has been exerted for ages by this wonderful people. The period now under review, or, roughly speaking, from the middle of the eleventh to the middle of the thirteenth centuries, may be regarded as the most splendid era of Jewish mediæval literature, in theology, exegetics, and ethics, in grammar, rhetoric, and philosophy, in astronomy, mathematics, and medicine, in poetry, the science of law, and history. Among numerous learned doctors who then flourished, the most illustrious, and perhaps the most renowned of any age, was Moses Maimonides (1135–1204), born at

Cordova, but exiled, with his family, to Cairo. He has long been universally recognised as one of the noblest men and greatest teachers; gifted with powerful and brilliant qualities of mind; possessed of varied and extensive knowledge; imbued with deep piety and true religion; and sustained by undaunted energy and glowing zeal. The subsequent relations of the Hebrew race to politics, learning, science, and art, form a fruitful theme of independent inquiry.

CHAPTER XV.

KING, BARONS, AND COMMONS.

A.D. 1216–1272.

THE second principal series of events in the long reign of Henry III. was his struggle with the barons. It forms the theme of one of Michael Drayton's most effective poems. Several things led to this outbreak; such as the encroachments of aliens, the extravagance of the King, his pecuniary demands for foreign wars; and his repeated violations of Charters, promises, and oaths. The connections of the young Queen Eleanor, whom he married in 1236, when she was only fourteen years of age, swarmed into England from Provence, from Poitevin, and from Savoy; eager to share in the good fortune that had come to her, and ready to take any lucrative offices. England has always been regarded as a Fortunatus' purse for needy foreign princes and their underlings. Three of the Queen's uncles grasped the chief posts at Court, and stood high in the King's confidence. Her brothers, sisters, and numerous cousins, with their friends and servants, came over in troops, and all were provided for, at the expense of the English; to the great anger and disgust of the latter. The stream set in with the royal wedding, and it continued uninterruptedly for more than twenty years. Between their greed and that of the many foreign priests, the land was plundered and impoverished. The Queen also brought over a number

of damsels of noble birth, but with empty purses, who were provided with husbands from among the rich young English barons of whom the King was feudal guardian. Matthew Paris observes that in 1256, "the King's Poitevin brothers, the Provençals, and now the Spaniards and the Romans are enriched with daily augmenting wealth, and elevated to honours, while the English are discarded."

The political songs of the day abound in satires and lampoons on these grasping foreigners. The Records of the Exchequer between 1236 and 1258 contain numerous entries of sums paid by order of the King for the support of and for gifts to his wife's relatives and their needy followers. A sixth of the royal revenue was said to be absorbed by these leeches. Yet, all this time, Henry was in great straits for money; his treasury being emptied by the cost of his wars in Guienne, by his efforts to place his second son, Edmund, on the throne of Sicily, which Pope Alexander IV. pretended to confer in 1254, and by repeated refusals of the barons and clergy to pay taxes while their just complaints were unheeded. Eleanor was unpopular in London, because of attempts made to compel vessels to be unladen at the quay known as Queenhithe; the money paid for dues being part of the private income arbitrarily assigned by her husband. Another grievance was the revival of an ancient custom of paying what was termed Queen's Gold. In the time of William I. when any sum owing to the King was paid, it was usual, as a matter of courtesy, to make some gift to the Queen. Slowly this came to be regarded as a right, and a fixed amount was demanded. In 1254, and in the next year, the Sheriffs of London were detained by the marshals of the Court for arrears of this impost claimed from the citizens. To such a pitch was the public ill-will excited against the Queen, that when, in 1263, she left the Tower of London to join her son Edward at Windsor, the barge in which she and her ladies were being rowed was assailed with great stones by a mob on London Bridge, with cries of "Drown the witch!" and it was with difficulty that the rowers got back to the Tower.

Henry's personal extravagance, and his incessant de-

mands of money for foreign wars, kept him poor, and involved him in grave difficulties. His vice of prodigality proved, in the end, useful to the country. In 1231, the Great Council refused an Aid for the war with France. When he pleaded poverty, the Earl of Chester bluntly told him that they suffered as much as he did from his waste. In 1233, driven by necessity, he made two attempts to convene a Great Council. In both instances his summonses were disregarded. One was held in April, 1234, when an Aid was granted; only after the hated foreigners had been banished across the sea, and on solemn pledges of better rule on the part of Henry. The parasites soon came back, however; and when, in 1237, another Aid was asked, Henry pleading that he had spent much money on his sister's marriage with the Emperor, and on his own, the stout Earl of Chester again replied, as spokesman for the barons, that their advice had not been taken, and that they ought not to suffer for acts which they had not done. Once more, in 1241, an Aid was asked for the war in Poitou. The barons drew up a remonstrance, reciting all the grants made in recent years, and how the money had been wasted; and refused to give any more. Again and again did such disputes arise during this reign. Aids were asked, but were withheld until wrongs were redressed. When the royal purse was filled, royal promises were forgotten or broken; until wants again arose and clamoured for satisfaction. Then fresh Aids were grudgingly conceded, but with new restrictions and safeguards to liberty. The King still had certain means of raising money, apart from the Great Council; although not to an extent sufficient to meet his necessities. He could not, it is true, levy taxes on the whole nation at his own will. There was a clear distinction between Aids or Subsidies, which could only be granted by consent of the Great Council, and Tallages, which the King, by virtue of feudal customs, could demand from all who lived upon the royal property, or from towns having a charter. Large sums were raised by this means, especially from the citizens of London, York, Norwich, Gloucester, Bristol, and other places; but payment was exacted with difficulty, and gave rise to much ill-will

against the King. Madox, in his 'History of the Exchequer,' furnishes copious instances of such flagrant robberies under pretence of law.

In addition, the old custom was perpetuated, of rich bishoprics and livings being kept vacant for years; the income accruing to the King. Practices like those already described among the causes which led to John being forced to yield the Great Charter, were repeatedly adopted by his son. The Fine Rolls contain long lists of moneys paid to him from all parts, on matters relating to deaths and heirships; division of property; custody of lands; marriage of heiresses and widows; forfeitures; pardons; exemptions from knighthood and from engaging in royal expeditions abroad; fairs and markets; leave to trade and to hold or quit offices; purchase of the King's favour or help; and remissions of his displeasure. In these ways there was, as there continued to be for a lengthened period, universal and irritating meddling with life, property, and liberty. Hundreds of such entries occur in the official records; the dates, names, places, amounts, and circumstances being minutely specified. The fines were arbitrary, and sometimes were ruinous. Justice was sold to the highest bidder. Royal officers were sent through the country, not to punish offenders, but to compound for transgressions by receiving fines as the price of pardon. The ancient feudal rights of the Crown were enforced with a strictness that became extortion. Infringements of the Forest Laws were made the pretexts for heavy mulcts. Rights vested in the Crown for the public good were used as machinery for exacting money for personal ends. Official nepotism and arbitrariness were winked at for payment, and the whole system of government was used to fill the Exchequer; which was virtually the royal Privy Purse.

Henry's repeated violations of promises and oaths formed another ground of complaint. In 1223, the Great Council demanded a Confirmation of the Charters. This was promised; twelve knights being appointed in each county to inquire what were the rights of the King and the liberties of subjects, according to ancient usage. At this time, Henry was only seventeen years of age,

and the high officers of State spoke and acted for him, as Pembroke had done seven years before. Down to the close of his reign the subject of the Charters was in constant dispute. The Great Charter of John was solemnly ratified during that time on five separate occasions, besides the one in his minority; after as many periods of flagrant violation. It was always appealed to as a record of old rights, privileges, immunities, and customs. It was fenced round and made stronger by these repeated Confirmations; usually purchased by the grant of a Subsidy. Owing to the difficulty of compelling the King to observe the law, it was sought, after the futile custom of that day, to bind his conscience by the sanctions and threats of religion. Excommunication was denounced against all who broke the laws set forth in the Great Charter. Though Henry several times swore to observe it, and though he was devout after a fashion, he had his own notions about the force of an oath that touched the regal power. According to the belief of that age, the Pope could set aside any oath, and the usual practice was to do so for a sufficient pecuniary consideration, or for reasons of policy. Henry was generally on such terms with Rome as to procure the indulgence.

When the Great Charter was ratified in 1223, another Charter of Forests was also granted. The object was, by renewing and extending earlier documents, to guard ancient privileges connected with the chase, and to redress grievances arising out of the atrocious Norman game-laws. It is needful to remember that, as in earlier times, most of the country was covered with wood; parts of which had been cleared and tilled. William I., as has been already told, dealt harshly and unjustly; increasing the extent of the royal forests, and brutally punishing all offences against his arbitrary regulations. His sons and successors followed his example. For more than a hundred years there had been ceaseless complaints and much ill-feeling, which the various Charters of the Forest were intended to remedy. The domains were now ordered to be cut down to the old boundaries. The powers of the Forest Courts were lessened, and checks imposed on the officials. Free tenants of lands adjoining were to have access, with

leave to erect mills, to dig marl for manure, to make ditches, to retain honey, and to turn their own woods into farms: all of which had been forbidden prior to 1223. The punishment for taking deer was no longer to be hanging to the nearest tree, or the cutting off of a hand or a foot, or loss of sight; but fine or imprisonment after due trial and conviction.

From the above statements it will be seen that the granting of public taxes was contingent, in some defined measure, even at that time, upon the observance of promises to keep the laws, and upon the redress of grievances. Henry III. once more confirmed the Charters in 1237, and the prelates, clergy, earls, barons, knights, and freemen granted one-thirtieth of their moveables, in return. This was a distinct mutual compact; but he failed to keep it. The next year, after long debate, he swore to be guided by the advice of "certain gravemen"; but again broke his word. In 1240, the bishops exhibited thirty Articles, setting forth his violations of the Great Charter. Once more he promised to amend; in return for money. In 1242, at a Great Council held in London, his demand of an Aid towards the expenses of a war with France was refused, and a written protest was handed to him against recent illegal procedure on his part. In January, 1244, a Committee was appointed by all the magnates to draw up Articles for regulating his conduct and for the naming of his advisers. In the following month, he promised to observe what he had sworn to at his coronation; and thereupon received from every one that held by barony a Scutage of twenty shillings on the marriage of his eldest daughter. In November of that year, an Aid against the Welsh was refused until he yielded to a demand of the Great Council, that four of their number should take charge of the money in one of the royal castles, so as to ensure its proper disbursement. In 1248, the nobility and prelates of England assembled in the Great Council, after protracted and excited deliberations on the state of the Kingdom, drew up another long list of grievances; refusing an Aid until these were corrected. This happened a second time during that year. In 1249, the Great Council insisted on the Chancellor, the Treasurer,

and the Chief Justice being appointed by their advice, so as to prevent favouritism and incompetency.

Similar struggles took place in the later years of this reign. One notable gathering was held on May 4, 1253, at Westminster, summoned on finding that all the violent and illegal methods used to raise money could not supply his wants. In order to prevent their customary reproaches, and to win their consent, he owned his former errors, and declared that he would govern in future according to their wishes, and would again confirm the Charters in any way they pleased. Although the nobles and clergy mistrusted his sincerity, as there was abundant reason to do, they agreed once more to take him at his word, to give him another trial, and to grant an Aid. The customary oaths were exacted; this time under circumstances supposed to be of special solemnity, and therefore peculiarly binding. In the great hall at Westminster, in the midst of the barons and prelates, the latter holding lighted tapers in their hands, the Great Charter and the Charter of the Forests were read aloud. Then was pronounced a sentence of excommunication, with fearful curses and threats of Divine wrath, against all who violated them in any particular. The prelates threw their tapers on the ground, crying—"So may every one be extinguished and stink in hell, who shall incur this sentence."

Notwithstanding the agreements exacted in the midst of these histrionic performances, Henry pursued his own course; making fresh promises when money was needed, and breaking them as soon as it was given. Not, however, until this state of things had lasted in all for upwards of a quarter of a century, did an open quarrel break out between the nobles and the King. Extortion, faithlessness, craft, improvidence, misrule at home and abroad, compelled them to devise an effectual remedy. Every class in the community had been wronged, oppressed, and insulted. The time had fully come to seek redress. As usual, the man appeared when the hour struck. A leader for the movement was found in Simon de Montfort, Earl of Leicester (1206–1265). An alien by birth, though possessing large English property through his mother, he had married Henry's sister, widow of the late

Protector Pembroke, and had been advanced to the highest offices and honours. It seems to have been a part of a concerted plan to secure the adhesion of powerful nobles in this manner; just as some of the wealthiest bishoprics were conferred upon the relatives of the King and Queen. De Montfort's family connection did not help Henry III. in his absolutist views. At first, the Earl was suspected and disliked in the country, being a foreigner; but he became so popular than he was usually styled the Good Earl Simon. Soon after his settlement in England he joined the party of barons who opposed the King. His name stands second among the signatures to the bold remonstrance of 1246 against Papal extortions.

It may have been from dread of him, and as a stroke of policy, that Henry appointed him to the government of Guienne: the sole remaining Continental province of England. While absent there for four years, he was not unconcerned in the struggle at home. On his return, he was prepared to take the position of leader in what was substantially a movement of national resistance. It cannot be denied that the measures were unusual, and even extreme. They amounted to what legal pedants call a rebellion. But they were needed to control so wasteful, and unwise, and untruthful a sovereign. Such a wilful liar and shameless perjurer has rarely existed. On several occasions he was openly charged with tergiversation and treachery, and could not deny it. He lied on system, and without scruple. Happily, the nobles of England saw nothing wrong, whatever later sycophants may allege about Divine Right, in trying to lessen the power of a monarch who had misused it, and had so often broken his word, and even his most solemn vows, that it would have been folly to trust him without adequate and stringent safeguards. Out of all this came good for the future of the country. Apart from the struggles among the barons, and between them and Henry, there were the claims and the interests of the people at large. Not at once, or willingly, were these admitted; but right was done in due season.

On June 11, 1258, there was held at Oxford, the famous assembly to which for the first time was formally

given the name of Parliament; derived from the French verb, *parler*, "to speak." By some Chroniclers, it is termed inappropriately enough, the Mad Parliament. The immediate occasion was the necessity for replenishing the Exchequer, which had been depleted by the extravagant and wasteful course of policy during more than twenty years. The barons attended armed, with a large body of followers, and Henry found himself virtually their prisoner. It was stated that all Confirmations of the Great Charter having been "defeated by evil advisers"—this euphemism was understood by everybody—no plan would henceforth suffice which did not place the affairs of the kingdom in the hands of men who could be trusted. A long list of complaints and grievances was drawn up, and petitions for redress were presented. It was resolved, evidently on the precedent set at Runnymede, that twenty-four barons should be chosen, half by the King and half by the Great Council, to inquire into grievances, to reform the administration, and to be apprised of all breaches of law and justice. This information was to be obtained from four knights chosen by each county. The committee of barons was to be subject to a Great Council or Parliament, meeting thrice every year; and it was provided that "the Commonalty shall elect twelve honest men, who shall come to the Parliaments, and at other times when occasion shall be, when the King and his Council shall send for them, to treat of the wants of the King and of his kingdom. And the Commonalty shall hold as established that which these twelve shall do." With this exception, an authority practically oligarchical was conferred upon the twenty-four barons, who constituted, in effect, a Commission of Regency.

Their first act was to form a Council of fifteen members for the King; chiefly taken from their own party. They drew up a number of rules and orders; known as the Provisions of Oxford; prescribing, among other things, that the Charters should be yet once again confirmed; that the great officers should be nominated by the barons; that they should have the keeping of the royal castles; that no royal wards should be given to the care of foreigners, all of whom were to be at once

removed from places of trust; that sheriffs should be nominated by the county-courts for one year only; that no new forests should be created, and that the King, his son, his brother, the prelates and great barons should swear fidelity to these Provisions. It is significant, however, that no proposal seems to have been made to restore the missing Articles of the Great Charter, whereby taxation without the consent of the Great Council was forbidden. That was to come in time. The Royal Proclamation for the observance of these Provisions was in English; the first known instance of its use for the purpose. In the following year, another set of Ordinances was adopted; known as the Provisions of Westminster. These gave protection to tenants against their feudal lords, and made temporary arrangements for the enforcement of justice. The logical outcome of the Provisions of Oxford, though frustrated for a time, was to be the regular establishment of Parliamentary representation and control; of a popular and responsible Ministry; of the principle of local self-government; and of all that is included in the modern constitutional system.

The five following years were troublous and stormy. The events that transpired are comparable in importance to what is termed, in preposterous phrase, the Great Rebellion of the seventeenth century, or to the American Revolution of the eighteenth. Out of conflicting statements, written partly at the time but chiefly at a later day, it is hard to unravel the thread of truth. Strife broke out among the barons: particularly between the two powerful Earls of Leicester and Gloucester. Some were charged with caring only for their own interests, to the neglect of those of the body at large. Henry became a mere puppet in the hands of the dominant nobles. His eldest son, the Lord Edward, as he was designated—for the petty German title of Prince was not invented—at first opposed them; then sided with them; and, finally, deserted their cause. During these five years, the country was much disturbed. The King once more sought from the Pope, and obtained, freedom from his oath. He was so imprudent as to boast of this; thereby arousing suspicion and alarm among the barons, and causing them to

lay aside their differences for a time. Then follows in the Chronicles a sad and wearisome account of appeals, orders, and threats on both sides; of castles provisioned and of warlike preparations; of sheriffs and other officers appointed by the King but disowned by the barons, and of others named by them but denounced by him; of treaties made and broken; and of summary vengeance threatened against foreign favourites, who judged it expedient to leave the country. The questions in dispute were referred to Louis IX. of France, who decided, on the whole, in favour of Henry. The barons would not abide by this award. They said that, however suited to French rule and customs, it was unjust to England and self-contradictory. They formally renounced their allegiance, and each side prepared for a conflict. The citizens of London joined with Leicester and his party. Henry called to his aid all the tenants of the Crown. With these, and such foreign troops as were in his pay, he withdrew to the neighbourhood of Lewes, in Sussex, hoping to receive further reinforcements from abroad. He was followed by the baronial army, which, though smaller than his own, forced the decisive Battle of Lewes on May 14, 1264. At the outset, the Lord Edward, who commanded the van of the royal army, made so furious an attack that he routed the body opposed to him. Following up the pursuit with too much ardour, his troops became scattered. Meanwhile, Leicester conducted his force against the main body, and defeated it with great slaughter; the King and his brother being among the numerous prisoners. A treaty, known as the Mise of Lewes, was made, by which it was agreed that the Provisions of Oxford should be carried out, and that the Lord Edward and his cousin should remain as hostages in the hands of the barons. After this, Henry was wholly in their power. They treated him with respect; issued writs and executed justice in his name; but his real authority had vanished, and the functions of government were carried on by others during the eight remaining years of his life; chiefly by his son.

Numerous poems and songs of the time extol the conduct of Montfort and his associates, and set forth constitutional doctrines of which no true Englishman

is ashamed. These poems were recited up and down the country, and moulded the opinions of the people in an age when newspapers and public meetings were unknown. They are to be found in the 'Political Songs' edited by Mr. Thomas Wright for the Camden Society. In one of them, in particular, written soon after the Battle of Lewes, the principles are clearly enunciated that the King derives his authority from the people, and holds it for the public welfare; and that he is under control and is responsible for his actions. Patriots in every age have employed similar language. It is the highest and noblest assertion of an ancient constitutional right that is absolutely unimpugnable, and, in the end, it always wins the day. Temporary disasters followed upon the successes of the barons, who were but men, and were divided in their aims. Yet none of the substantial advantages gained by them have ever been lost.

In order to determine various matters, and especially to settle a scheme of administrative control, writs were issued in the King's name for another assembly, which met on June 23, 1264. Besides the barons and the prelates, four knights were to be elected by and for each county. The principles laid down in the Mise of Lewes were discussed and confirmed, and a scheme of government was settled. Three persons were chosen, to elect nine councillors, by whose advice—three being always in turn at Court—the King was to transact all business of State. Authority and control were vested in those who possessed the real power. The details of the scheme, if ever settled, are unknown. Owing to adverse circumstances it fell through before it came into working order. Yet its influence was permanent. Another great principle was established, in the extension of the franchise when the next Parliament was convened for January 20, 1265. Important as this is in constitutional history, as forming one of the chief landmarks, the assembly, like the one in the preceding June, was, in fact, nothing more than a gathering of the supporters of the existing administration. Nor was any other course practicable. The men who had fled the kingdom, and were only waiting for an opportunity to invade it, of course were not summoned. Only five earls and eighteen barons are mentioned.

The clergy were amply represented. There were also the four knights from each shire.

But there was another body, of far greater importance: as subsequent events proved. This gathering is of the highest interest as being the first—excepting the somewhat vague reference to the "twelve honest men" in the Parliament of 1258—to which representatives were summoned from certain cities and boroughs; the precise number being unrecorded. These elected persons took their places with the knights of the shires, who appear to have sat first in the Great Council in the time of John, but only with regularity since 1254, as the chosen of the freeholders. At first, and probably until 1295, they were regarded merely as local deputies to assess taxation. It was the earliest recognition of the fundamental principle of political freedom, that taxation and representation must go together. Ere long, as detailed in the seventeenth and twenty-fourth Chapters, this little germ became a mighty tree. By this unobtrusive revolution the whole of the rural freeholders were gradually admitted to a share in the government, through their representatives, chosen in the Shiremote or County-Court. That ancient local jurisdiction was familiar to the people. Under its educating influence they had been gradually prepared to exercise the larger franchise appertaining to the whole kingdom, which the stress of circumstances now demanded. Thus it is from an English root that the House of Commons sprung; and that root is the county-court. Whether the Earl of Leicester was the actual author of the measure for admitting burgesses to Parliament, and whether with the prescience of true statesmanship he foresaw its full meaning, and intended to bring in a new element of power, it is impossible to say. He had certainly been familiar during his governorship of Guienne with a form of representation existing in the fortified towns of Aragon, whose deputies became an important power in that State.

These men of ancient families, like those who took the lead in resisting King John, foreign in their origin, but wedded to England by strong ties of self-interest, saw themselves in danger of being set aside for other foreigners recently arrived. They turned, as Norman kings had

seen it to be their interest to turn, to the burgesses of the cities and towns, and sought their aid. The example thus set, although not fully carried out for thirty years, was of great value. The power given to the rising middle class was never withdrawn. The future House of Commons, with all its vast and far-reaching influence, was being slowly evolved out of the troubles and difficulties of that period. The precise day or the mode of great constitutional changes cannot be fixed. There has been much learned and laboured controversy as to the rise of the House of Commons; but, in fact, it began under the pressure of circumstances, although earlier events had been leading on to it and preparing the way. It slowly adapted itself to growing national wants, and gradually acquired power and influence. The English Witan, or Meeting of the Wise Men, developed into the Great Council, and this, in turn, into the Parliament, without actual identity or close similarity of methods, but there was no "solution of continuity." The chief distinction was that this became a truly representative body, which the two former were not. In the Norman Council, as in the earlier English assembly, questions relating to the royal succession, to appointments to earldoms and bishoprics, to foreign policy, to declarations of war and to treaties of peace and alliance, were all discussed and settled. Taxes were imposed by the advice and consent of what was really, though in an inchoate form, a deliberative body acting for the nation. Gradually, in the course of centuries, and under the pressure of events, a custom was formed of summoning particular members from the prelates, the earls, and the barons, besides the body of the royal tenants-in-chief. In this way, a rough distinction prevailed, which, long afterwards, solidified into the two legislative bodies of Lords and Commons. This, like all great constitutional changes, was not the deliberate outcome of a theory, but was the necessary result of a chain of circumstances. Mr. Blaauw, who in his 'Barons' War' was almost the first to present de Montfort's character in its true light, remarks, very properly, that "it should be an honest pride to us in after-times that English liberty thus owes its birth to confidence in the people."

The triumph of the barons was temporary. Fresh jealousies and strife broke out among them. Feudalism had been impaired and decaying since the reign of Henry II., but its influence was still too strong for a complete nationalization to be effected. There were two parties, led by the rival Earls of Gloucester and of Leicester; which may be described as the Moderate and the Advanced parties. The former obtained their chief desire when the alien harpies had been summarily expelled from the realm. They seem to have had no care for, and probably they mistrusted and disliked, the constitutional changes embraced by the foresight of de Montfort. Moreover, there was personal rivalry and disagreement between the two men. The powerful Earl of Gloucester, thinking that the other meant to seize him, withdrew to his own estates and called together his vassals and tenants. He also sent secretly to the Lord Edward, who was living as a hostage in Hereford Castle, under surveillance, and supplied him with a swift horse, on which he escaped one day while out hunting. He went to Ludlow, where he was joined by Gloucester and other barons, who made him swear to persuade his father to govern only by the Charters, to do away with all evil customs, and not again to surround himself with foreign favourites. Henry was still with de Montfort and his army at Evesham; towards which place Edward and his friends marched; meeting Leicester's son on the way at Kenilworth, and completely routing the force which he was leading to his father's aid. It was a literal stampede. The Battle of Evesham followed, on August 4, 1265; raging from two in the afternoon, until dusk. Almost at the outset, Leicester was abandoned by his Welsh allies; but his personal followers fought with desperation. The carnage was frightful. Quarter was neither asked nor given. Leicester himself, his son Henry, and one hundred and sixty knights, were killed; but no account has been kept of the common people who met with their death on that dreadful and fatal field. The joy of the Court party was shown in brutal indignities perpetrated on the body of the great leader; revolting even in that coarse age. De Montfort's vast estates were confiscated, and were chiefly bestowed upon the

King's relatives. Heavy fines were imposed on all who had aided him. The grants made and the Charters given during Henry's captivity of fourteen months were revoked in a Parliament of his adherents, held in Winchester in September, 1265. The defeated barons and their supporters withdrew to the extensive marshes and swamps known as the Isle of Axholme, in Notts; and also to the Isle of Ely. There, as Hereward had done two centuries earlier, they held out for many months against the forces of the King. Others banded together in the dense forests of Hampshire and Berkshire. Another party made a long and obstinate resistance in Kenilworth Castle, but at length, Pope Clement IV., who had been Legate to England, used his influence, and persuaded Henry to consent to lenient measures. Twelve mediators were appointed, and what is known as the Dictum of Kenilworth was agreed to in November, 1266. The price of pardon and redemption was fixed at five years' purchase of the lands; out of which large rewards were bestowed on those who had kept on the side of Henry, and on others who had to surrender forfeited estates which he had bestowed. In a Parliament held at Marlborough in November, 1267, the Provisions of Westminster were confirmed, and the most valuable legal reforms of the constitutional party were formally embodied in Statutes. The old system of absolutism and misrule was rendered impossible; and thus the action of de Montfort and his associates was justified by the results.

Five years later, on November 16, 1272, Henry III. died at Westminster, aged sixty-six; after a nominal reign of fifty-six years. The effect of the civil war is thus told by Wikes, a Chronicler of the time,—"In these five years past, there have been so many battles, both by land and sea, so much slaughter and destruction of the people of England, so many devastations, plunderings, robberies, thefts, sacrileges, perjuries, treacheries, and treasons, that the nation hath lost all sense of distinction between right and wrong, between virtue and vice." Yet, during this long reign, with its misrule, waste, and incompetence, there was national growth; silent and unseen at the time, but sure and abiding. For the

ultimate good of England it was well that Henry was intellectually and morally emasculated. Weak, vacillating, and false; devoid of manliness and resolution; afflicted with a paralysis of will; he was not an evil-disposed man like his father, John. If he had possessed the energy and determination of William I., or such qualities as his own son afterwards displayed, the growth of popular liberties might have been somewhat checked; although their roots were too firmly planted for any man to arrest them.

CHAPTER XVI.

LAW AND THE JUDICATURE.

A.D. 1272–1290.

An epoch in English history is marked by the reign of the first Edward (b. 1239, r. 1272–1307). It was, in a lofty sense, the Reign of Law. Constitutionalism was established; the Charters of Liberties were finally confirmed; and Papal claims effectually resisted. The higher courts of law were improved; arbitrary taxes were abolished; kingly power was restricted; and the principle was finally settled that the control of the national purse rests with the nation's representatives. Public records began to be carefully preserved; many evils were removed in the sale and tenure of land; and the Statute of Mortmain guarded against the absorption of vast property by troops of clergy, monks, and friars. England needed a just and strong administration for preserving internal peace; for commercial and social development; and for carrying out the salutary enactments forced upon the late King. His son must have learned from recent events that such great and worthy ends were capable of being secured only by the sympathy and support of the whole nation, and that it was prepared to render the needful aid. Earl Simon and his associates had been cut off; but it was in the hour of moral victory. The object of their enterprise had been achieved. It was

no longer possible for any king to misrule as John had done, and as Henry III. repeatedly sought to do. He tried, after the Battle of Evesham, to revert to his old bad courses; but events were against him, and the national spirit was too strong. In spite of himself, he was finally compelled to accept reforms long resisted and often evaded, and which appeared to be indefinitely deferred by the death of Leicester and so many of his friends on the fatal field of Evesham. Henry was forced, during the remaining seven years of his life, to revise his expenditure, and to obtain the consent of the Great Council to the imposition of taxes.

His son knew all this; for he had taken a prominent part in public affairs, and was the virtual if not the titular monarch. He was now thirty-three years old. He had learned wisdom and purchased experience somewhat dearly. He evidently possessed a desire, with the English name, to be an English king, and to place himself at the head of his people, so as to become a power in Europe. To accomplish this, order had to be restored: strict justice dispensed; law made supreme over all persons and classes; and the nation allowed to assume its proper responsibilities. It may not have been present to his mind at the outset, but, manifestly, there was some such development of purposes. His methods were not always the best, and he committed mistakes, as was inevitable. Nor was he free from faults; yet absolute failure was rare. He was, unquestionably, a wise lawgiver, an astute politician, a sagacious organizer, and a capable and fearless administrator. The reign is important also because it witnessed the growth of the great middle class in cities and boroughs, and among the smaller holders of land. It had been slowly rising, and continued to increase in numbers and in wealth during the next hundred years. All this helped to pave the way for a better future. Successful resistance to the tyranny and the encroachments of the early Plantagenet monarchs, taught a lesson which people in after times were not slow to learn, and supplied an example which they readily copied. Not even the character and renown of Edward I. could free him from responsibility to the national will. His wars in Wales, in Scotland, and in France, if they added to his fame, drained his

purse, and compelled him to purchase supplies of money by yielding to the growing demands for freedom.

Edward was in Sicily, on his way home from a Crusade in Palestine, when news came of his father's death. He heard that the country was quiet; that a Regency was appointed; and that the Earl of Gloucester, whom he had most reason to suspect, had taken the oath of fealty. The new King, therefore, did not hasten his journey, but remained on the Continent for more than a year; chiefly occupied in adjusting the disturbed affairs of Guienne. He reached Dover on August 2, 1274. Twenty-one years before, when but a youth, he had married Eleanor of Castile, who was five years younger. This union lasted for thirty-seven years; and when she died at Hornby, near to Lincoln, in 1290, her husband, inconsolable as the wife of Mausoleus, by way of perpetuating her memory, had crosses erected at every place where the funeral procession halted on its way to London. The tradition that she saved Edward's life when he was wounded by a poisoned dagger in Syria, by sucking the poison out of the wound, is one of those romantic tales that rest on no basis of fact. The first reference to it is found in a Spanish writer of a hundred and fifty years later. Edward and Eleanor were crowned in Westminster Abbey, August 19, 1274, by Robert Kilwardby, Archbishop of Canterbury, who had been Provincial of the Dominicans. The palace yards were covered with wooden buildings in which to prepare vast quantities of food, to be served up at banquets for a fortnight. All comers, of every degree, were welcome. The streets were hung with rich cloths of silk, arras, and tapestry. The public conduits flowed with red and white wine; for all to drink who chose.

Not long after the coronation, Edward required Llewelyn, Prince of Wales, to repair to his court and do homage. This was the ostensible reason. The real cause was the danger arising from the close proximity of a body of men whose position and habits made them freebooters. For many years frequent disputes had arisen between the English and the Welsh borderers. The independence of the latter in their mountain fastnesses had always been a grievance to the Norman kings, who were, however, too busy to attempt a conquest of

Wales. Henry II. marched with a large army into Flintshire, in 1157, to punish the Welsh for some recent marauding forays, in which much damage and loss had been sustained. Fifty-four years later, John penetrated as far as Snowdon, and Llewelyn's predecessor performed homage for his principality. In reply to the demand now made, he urged that he could not safely go to the court of a monarch who had broken a solemn treaty made under the mediation of the Pope, and who received disaffected and rebellious Welshmen into favour. He demanded that hostages should be given for his safe return. Instead of this, he was declared to have forfeited his title and lands, and Edward resolved to invade the country. The first campaign was fruitless; but he summoned his vassals to take the field in 1277. A large army was collected, of which the King himself took command. Roads were opened as far as Snowdon. Castles like those of Rhuddlan and Flint were taken and strengthened. The Welsh were driven back. Llewelyn was forced to sue for peace; and had to consent to the hard terms imposed. His whole principality was, in effect, ceded, except the Isle of Anglesea, and this also was to revert to Edward as liege-lord in the event of Llewelyn dying childless, after his marriage with a princess of the English royal family.

It was hoped that the conquest of Wales had been accomplished. The King of England thought to complete by kindness what was begun by force; but hatred of the English had been bequeathed from father to son through many generations. The Welsh saw with anger the gradual extinction of their national customs, and the introduction of English laws and English rule. Within five years, another outbreak occurred; and before the close of 1282 the country was finally joined to England. David, the brother of Llewelyn, had been created Earl of Derby by Edward, who also gave him in marriage the daughter of the Earl of Ferrers, with extensive estates in both countries. David was not satisfied. He imagined that he had cause of complaint in the acts of some of the royal officers. Justice was promised to be done; but he persuaded his brother to join him in rising against the English. The different chieftains assembled their friends

and poured down from the mountains, laying the country waste with fire and sword, and acting like savages towards the English, and towards their own people who sided with them. Not without great difficulty and loss was this rising suppressed; but, at length, Llewelyn was slain in one contest, and his brother was taken prisoner in another. Deprived of their leaders, the Welsh were subdued. Edward spent more than a year in the country, or on the borders; to render his conquest secure. He fortified the castles of Conway and of Carnarvon, and partitioned the country around among the most powerful of his nobles. His chief object was to secure the friendship of the natives, and to induce them to become good subjects. He offered peace and protection to all; with leave to retain their lands; liable only to the same services by which these had been held of the native princes. To attract the people from their roving habits of life, he set up corporate bodies of merchants in various large towns. To restrain the spirit of violence, he established English courts, and divided the country into Shires and Hundreds. During his stay, a son, afterwards Edward II., was born at Carnarvon, in 1284. Seventeen years later, as a matter of policy, he was created Prince of Wales; the origin of the title subsequently borne by the heir to the throne. It has been often said, although without any evidence, that the King ordered the massacre of all the Welsh bards, so that the patriotism of the people might not be aroused by their songs and tales. The statement—in itself glaringly improbable—is first met with in a national writer of the sixteenth century. It was implicitly accepted by Hume, and forms the theme of Gray's famous Ode—"Ruin seize thee, ruthless King!" In this way, post-dated written history, by the aid of mellifluous poetry, becomes a synopsis of mere rumours.

Wales suffered for more than two centuries from misrule and anarchy, amidst the troubles that arose in England. Not until Tudor times were wise attempts made to humanize the people by equal laws, and to combine England and Wales into one political unity. In May, 1286, Edward, leaving the Earl of Pembroke as Regent, went to his continental possessions in Guienne, where he remained for upwards of three years. On his

return he was met by complaints that the judges, corrupted by bribes and enriched by extortion, had given many false judgments and been guilty of oppression. As has been already shown, the administration of justice had not been absolutely pure since the Norman Conquest, nor was the evil wholly remedied by the famous fortieth clause in the Great Charter. Existing records supply many instances of interference with the judges by princes, nobles, patrons, and friends; with a view to secure favourable decisions. Corruption prevailed to a large extent by means of fees and bribes. Edward I. determined to make an example that should put a stop to this evil. Rigid inquiries were instituted: resulting in the dismissal and disgrace of nearly all the judges, ten of whom were fined in sums ranging from one to four thousand marks. That the evil was of great extent appears from a song of the time, which Thomas Wright has paraphrased. It speaks plainly of judges "whom partiality and bribes seduce from justice. They pay toll to the devil, and serve him alone." They had agents, to arrange terms with suitors. The poor could not obtain a hearing. Wealthy persons, and good-looking ladies willing to make a market of their charms, alone could hope to succeed.

To remedy these admitted evils, some important changes were made in legal administration; not so much in the way of originality and initiative, as in defining and systematizing what had gone before. English law had grown like a dense forest, where the trees could not attain their proper size, and where access was blocked by a tangle of underwood. This exuberant growth needed to be pruned away and reduced to order and symmetry. Hence much of the legislation aimed, in spirit, if not in avowed form, at a codification of old laws and usages. The First Statute of Westminster, in 1275, is a miniature code, covering nearly the whole sphere of law. The Statute of Gloucester, in 1278, sought to regulate the franchises of the feudal barons. A larger and more important step in the same direction was taken in 1285 by the Second Statute of Westminster; the first clause of which, on conditional gifts, had a momentous bearing on the future land laws of England, by the creation of estates strictly entailed. Important changes in legal

procedure were made by other Statutes. That of Winchester, in 1285, was intended to reorganize such popular jurisdictions as the ancient Hundred Court; and to establish a police system on the old lines of mutual responsibility. As the interests of the Crown and those of the people were frequently opposed to the claims of the great landowners, the courts of provincial judicature were improved; the functions of sheriffs limited; the circuits of the judges re-arranged; and increased facilities given for hearing in the King's courts at Westminster suits which could not be fairly settled in the country. In the early years of this reign occurred the final division of the three chief tribunals. These were henceforth known as the Court of Exchequer—which, as mentioned in Chapter X., had long existed—dealing with all causes that affected the revenue; the Court of King's Bench, to determine suits in which the monarch, as representing the body politic, was concerned; and the Court of Common Pleas, for suits between private persons. Three distinct staffs of judges were appointed for these Courts. Other improvements were made in the Common Law, particularly the withdrawal of the clergy—who were its greatest foes—from the Bench and the Bar, in obedience to a Canon made in 1217; the establishment of law colleges or Inns of Court, for the education of lawyers; and the discountenancing of trials by ordeal and by single combat.

The principal civil administrators continued to be ecclesiastics. Henceforward, the Statutes of the Realm form a continuous series, and furnish valuable information concerning the national life. The Year Books, dating from the same era, and continued in almost unbroken succession for more than two centuries, contain reports in Norman-French of cases heard and decided in the Common Law Courts. They are the foundation of the *lex non scripta* of England, and have always been held in high veneration as the earliest recorded judgments and dicta of the legal luminaries of former ages. Whatever their defects, these Year Books are the first in a long line of judicial reports in which England is so rich, and in comparison with which as Bentham remarks, the wealth of other nations

is penury. They also show that the passion for litigation, as in the old Greek and Roman days, and as in modern times, is consuming and insatiable.

A casual visitor to the law courts of the thirteenth century, must have been as much surprised and amused at what he saw as is a rustic of our own day. Treatises were written for the guidance and instruction of counsel. One of them, the 'Speculum Juris' of Durand, who is supposed to have died about 1296, was very popular for a lengthened period, and was regarded as an authority. He gives copious advice to counsel in their treatment of one another and of witnesses; and in their bearing before the judge. Durand must have been a shrewd observer of men and things. He says,—"When before the judge, you are to take off your cap and make an obeisance, graduated according to his rank. Do not be loquacious. Address him in a manner that may be pleasing to him. If he be angry do not rejoin. Do not laugh causelessly before the judge. When he speaks, listen respectfully, and then laud his wisdom and eloquence"; with much more to the same effect. Durand criticises prevalent modes of speaking. Some counsel "rise with arrogance, rub the face, push the hair behind the ears, blow the nose loudly, clear the throat, or examine their hands and their dress." Some alternately lift their eyes to heaven and bow their head, or they wrinkle the forehead, compress the lips, frown, and fix their hands on their hips. Some begin eloquently and end badly. Some think that plenty of words atone for want of sense and give a good return for the fee. "You should be concise; pretend to be simple; abound in generalities; using ambiguous and equivocal words. Obtain as many delays as possible, but cautiously, lest the Judge presume against you. You should not habitually take a low fee for pleading, lest you lose your reputation. Undertake those causes only which you can conscientiously advocate. If a cause be desperate, give it up." Advice and caution of this kind are freely given by Durand, with a mixture of shrewdness and humour. Some of his monitions are still remembered and practised, though their precise origin is unknown to many. Others have become obsolete with legal reforms and changed conditions. Some, that have fallen into

desuetude, might be revived with advantage to suitors and the public.

From this reign, also, the State documents are duly preserved and arranged. Presses or shelves do not seem to have been much used. Chests or coffers bound with iron; pouches or bags of canvas or leather; "skippets," or small round boxes turned in a lathe; "hanapers," or hampers of twigs or rushes; and "tills," or drawers, are mentioned as receptacles for deeds and papers. Reference was made to them by letters, by labels, or by rude sketches, generally having some allusion to the contents. Thus, the sign of the instruments relating to Aragon, is a lancer on a jennet; to Wales, a Briton in the costume of his country, with one foot shod and the other bare; to Ireland, a man clothed in a hooded cape; to Scotland, a Lochaber axe; to Yarmouth, three herrings united; to the Subsidy on wool, a pair of shears; and like emblems, of which various examples yet remain. All the great series of Records, except those of Parliament, are written in Latin, with the spelling much abbreviated. During the Commonwealth, English was substituted; but Latin was resumed after the Restoration of the Stuarts. The records of the Law Courts continued to be thus kept until a change was decreed by Act of Parliament in the reign of George II.; although, in certain branches of the Exchequer, Latin was in use when the offices were abolished in recent times. Most of the Statutes from the reign of Edward I. to that of Henry V., and the principal parts of the Rolls of Parliament, are in Norman-French. Petitions continued to be presented in that language until the reign of Richard II., and the royal consent to or refusal of Bills is, even now, couched in the ancient phrase. Seals appended to the documents of the time are beautiful specimens of art; many of the impressions being still sharp and clear. They were attached by silk strings, and were usually enclosed for preservation in linen or worsted bags; sometimes richly decorated in colours or in gold. Tin boxes, such as are now used for seals, do not date back farther than the reign of Henry VIII. The composition of the wax changed from time to time. From Henry I. to the early part of Edward I., pale red was mostly used. Green was first

introduced under Henry III.; and, in its turn, gave place to yellow. The seals were sometimes covered with a coating of varnish. It is a popular though erroneous idea that the various Charters were signed by the Sovereigns who granted them. Such documents were sealed; for the art of writing was almost confined to the clergy. In Saxon times, signatures were more common than in the thirteenth century. Instruments were then often attested by crosses, or other rude signs; the cross being regarded as an emblem of true faith in the parties to the deed; and it frequently preceded the names of those who could write. Hence arose the custom, still used by illiterate persons, of making their mark. Not until the time of Richard II. did royal signatures come generally into use. They were then called Signs Manual, from being written by the King's own hand. It was a Common Law maxim, however, that sealing was sufficient to render a document valid, provided it was delivered before witnesses. Hence the expression in the Charters, *Date per manum nostram*, or, "Given under our hand."

On his return from Palestine, Edward I. discovered that during his father's reign the revenue had been much lessened by tenants parting with their lands and withholding the Crown rights. He found also that many oppressions and exactions had been committed by great nobles, who claimed the right of free chase, free warren, and free fishery, and demanded heavy tolls on goods brought to fairs and markets. For the correction of such abuses, special commissioners were appointed, and the results of their inquiries are entered on what are known as the Hundred Rolls. Evidence was furnished, on the oath of a jury taken from each Hundred in the Counties, of all the ancient Crown lands and tenants, with their immunities and privileges, and of various wrongs done by great nobles and powerful clergy. The statements given reveal the hardships inflicted upon the inferior tenantry by baronial, knightly, and clerical holders of royal estates and offices; who interfered with trade and industry, and imposed vexatious and costly restrictions upon locomotion by pontage and ferriage. They fully establish the truth of allegations made by contemporary writers, that the condition of the great body of the people

was pitiably low. They enjoyed but a small share of civil liberty. The nominal protection of law did not defend them from the oppressions of powerful barons; many of whom were petty tyrants. Regard for human suffering was a rare quality, outside of the Church and the Cloister. Open robbery, attended with violence, was not infrequent. Bands of armed men united to attack and plunder travellers, and to commit depredations in villages, towns, and fairs. The town of Boston was thus assailed during a fair in 1285, and was fired in three places; the robbers marching off with immense booty. In Hampshire, their numbers were so great, that no jury would convict; partly from dread, and partly because so many shared in the guilt. These disorders sprang out of the feeble and troubled reign of Henry III., and they were not put an end to, as is further shown in the twentieth Chapter, even under the Rhadamanthus-like rule of his son. A curious illustration is furnished by a struggle in 1275 between the monks of St. Alban's and their villeins. The abbot was bent upon enforcing his exclusive right to grind corn for the town, to full cloth, and to enclose common lands. Moreover, he prohibited any appeal from his jurisdiction to the Hundred Court. The villeins combined to resist, and formed a fund for mutual protection. Not much seems to have come of it at the moment, but it is noteworthy as a sign of the times. Such occurrences probably gave rise in 1290 to what is known as the Statute *Quia Emptores:* from the opening sentence; a common mode of distinguishing early enactments and writs. This one was framed by the King and the great landowners, avowedly to preserve and enforce the power of the lords of the soil. The design was to prevent a transference or alienation of any of their rights to a third person. In order to effect this, they were constrained, for the first time, to recognise the right of the tenant to his share of the land, provided only that the lord's rights were secured. The essential clause opens thus,—"The King has granted, provided, and ordained, at the instance of the nobles, that for the future every freeman shall be allowed to sell his land, his tenement, or a part of it, according to his pleasure." Thus the class above the villeins was benefited; and a prospect was opened for

the villeins themselves to rise to the condition of free tenants. This important enactment operated in restraint of feudalism: as the other famous Statute, *De Religiosis*, or Mortmain, in 1279, did with regard to the Church; as explained in the following Chapter.

Another Statute, known as *Quo Warranto*, was passed in July, 1290, at an Assembly of Magnates in Westminster, to set at rest many disputes as to the possession of landed property, which had arisen during the troubles of the preceding reign. It decreed that the respective holders must prove that their ancestors had quiet possession in the time of Richard I. A story is told that when John de Warrenne, Earl of Surrey, was called upon to establish his titles, he grimly drew his sword, and replied that his ancestors landed in England with William of Normandy, and assisted him to win the kingdom by their trusty weapons, and that by the same right he held and should retain his estates. As the old grievances about the royal forests remained, although to a smaller extent than formerly, "perambulators" were appointed in 1299, to inquire what were the ancient boundaries, so as to settle the limits. Their returns were confirmed in a Parliament held in Lincoln, January 29, 1301. The rule laid down was that whatever could not be shown to have been forest at the accession of Henry II., should be disafforested. By this procedure, many of the barons were able to add largely to their estates at the King's expense, but the intended remedy gave rise to another evil. The royal forests were no longer vast solitudes, occupied only by animals of the chase. The borders were peopled by cottagers, who had been permitted to rear their humble dwellings, and were allowed pannage, turbary, pasturage, and some kinds of tillage. Many suddenly found themselves evicted. In the Parliament of Westminster, 1305, petitions were sent to the King by "certain people that be put out of the forests by the great men," praying "that they may be as they were wont to be heretofore." The next year, an Ordinance was issued by the King to abate the evil, and to "comfort those who cried unto him for succour. They were to be at liberty to remove within the newly-fixed bounds, and to enjoy such favours as before.

CHAPTER XVII.

DISPUTES WITH THE CLERGY.

A.D. 1272–1307.

No fewer than twelve Parliaments were held during the reign of Edward I. His military ardour; his desire to unite the whole of Britain under his sway; and the need for raising taxes, led to these frequent meetings of the Legislature, and favoured the growth of popular liberties. The great change introduced in 1265 by de Montfort, in inviting the attendance of burgesses from certain towns, was not at once followed up. It was a transition period. No uniform practice was adopted. Sometimes, special commissions of judges were sent into a district to confer with the inhabitants in the county-courts as to taxation. At other times, there was a system of local assessment, whereby the moveable property of each taxpayer was valued by a jury of his neighbours. Sometimes this was done by the royal officers. Occasionally, there was an informal kind of Parliament for taxing purposes; as in 1283, when two such assemblies were held in York and in Northampton, attended by four knights from each shire and two representatives from certain cities and boroughs. On several occasions during the next twelve years, the barons, the clergy, the knights, and the burgesses in varying numbers were convened, together or separately, mainly for purposes connected with the raising of money. By these means, the King obtained what he wanted for emergencies.

At length it was found to be necessary to have a due representation of the whole community, not only for fiscal purposes but for legislative and political action. Accordingly, in 1295, city and town burgesses, from places selected by the King, were summoned to assemble with the nobles, prelates, clergy, and knights, "to provide against the dangers which threaten the kingdom": because "that which touches all should be approved by all." This was really the first of a long and an illustrious line of Parliaments in England. The form then adopted slowly matured into constitutional usage. Writs were

issued to seven earls, forty-one barons, the prelates and mitred abbots, to each county, and to a fluctuating number of cities and boroughs. Some of the latter did not comply, or excused themselves at subsequent elections, on account of the expense and trouble; preferring to be included in the county representation, so as to pay a Fifteenth on Subsidies instead of a Tenth. Seven years later, in April, 1302, the States-General of France, in their three orders of nobles, clergy, and commons, were convened by Philip IV.; being a revival and an extension of a system that had fallen into desuetude after the time of Charlemagne. The immediate object was to protest against the action of Pope Boniface VIII. (b. 1228, r. 1294–1303), in declaring that the realm was held of him. The claim was repudiated; the Papal Bull was burnt in Paris; and a war of retaliation was commenced in Italy. Boniface was captured; and on his death, the first of a line of Popes under French influence arose in Clement V., with the removal of the Holy See from Rome to Avignon. It continued there down to 1377, and was followed by the Great Schism of forty years between rival Pontiffs, which was not healed until the Council of Constance, in 1417.

In both counties and boroughs residents were chosen as representatives, as a matter of custom; which was embodied in a Statute in the first year of Henry V., and continued until the time of Elizabeth. The rule still prevails in the United States of America. Before long, the usage respecting peers came to be that only the tenants-in-chief among the barons were called by writ to the Parliament. The rule was not based on any legal enactment, but was established as a matter of obvious convenience. The King increased or varied the number by the writs of summons, and this limited body became in time the hereditary House of Lords. In the first actual Parliament of 1295, the clergy, by the proctors who represented them, granted to the Crown a tenth of their revenues; the nobles and knights an eleventh of all their moveables; and the citizens and burgesses a seventh. By the middle of the fourteenth century the usage was settled of two Houses of the Legislature, with a separate representation of the clergy in Convocation,

and of a levy of a Fifteenth from the counties and a Tenth from the towns. Such a system yielded more, while it was less odious in operation, than the older methods of levying Tallages at will upon chartered boroughs and upon the royal tenants. What was of greater consequence, it finally determined the principle of self-taxation, which enabled Parliament in the end to resist the royal power when it became too great. Rights were being established by the slow but sure law of growth. In admitting this principle of self-taxation, a power was set up that proved capable of checking the prerogative. In the sequel, as must constantly be reiterated, on account of its importance, Parliament was not slow to seize upon the advantages offered in debates upon the national grievances, to insist upon their redress before voting money.

Until nearly the close of the reign of Henry II., most of the taxes raised had been levied on land. It was held under strict conditions; one of which was the providing for the defence of the kingdom and for the maintenance of the royal authority, either by personal service or by a money payment. The only other mode of raising money was by an occasional poll-tax on the inhabitants of borough towns. Then was devised, for the exigencies of the foreign expeditions of Richard I., the plan of taxing moveable property, including household furniture and business stock: on which a thirtieth, a fifteenth, a tenth, and sometimes more, was levied. The great increase of the trading community, and the growing wealth of cities and towns, made this plan of raising revenue convenient and easy under Henry III. It was the more readily employed because there were few foreign expeditions to furnish pretexts for demanding Scutage in lieu of military service. By the time of Edward I., a considerable part of the taxation was derived from moveables, or from what would now be described as personal property. But it was found to be onerous, and in many instances it became oppressive. The clergy made grants in Convocation in varying degrees. There were also frequent Tallages on the royal property. Sometimes, the King resorted to arbitrary measures; as if the newly-settled Parliamentary institu

tions had no force against himself. On one occasion, for example, he limited the quantity of wool that might be exported, and placed on it, of his own will, a duty of forty shillings per sack; or more than one-third of its then value. At another time, by a sweeping measure of Purveyance, that grew at length to the portentous dimensions described in the twenty-fourth Chapter, he demanded of each sheriff twenty thousand quarters of wheat and oats; commanding them to be seized wherever found. He interfered in arbitrary fashion with the City of London and other corporate bodies, who naturally objected to trading monopolies conferred upon foreigners in return for a money bribe paid to the King.

Exceptional and extreme instances of tyranny such as those above named were resorted to for the purpose of meeting special needs, and were rendered possible by the inchoate character of the early legislation of this reign. The Lombard bankers and money-lenders settled in London could not be fleeced as the Jews had been; and they were able to exact stringent terms for loans. Edward's great schemes respecting Wales, Scotland, and the Continent always kept him impecunious and in debt; and herein lies an explanation of some of the defects of his character and the difficulties of his position. One plan devised, which obtained Parliamentary sanction in 1275, was for levying a tax of half a mark, or six shillings and eightpence, on each sack of wool exported. It is easy to perceive that the fiscal measure thus forged might be used at times in an arbitrary fashion. In like manner, in 1303, he convened the foreign merchants, and offered certain trading privileges, on condition of their paying a tax on goods brought in. It was, perhaps, within the strict letter of the law of 1297; but it was a gross and palpable infraction of the spirit of that measure. Such duties on wool, wine, and merchandize formed, in 1309, the subject of a petition in Parliament, as contravening the provisions of the Great Charter. They were suspended for a time by the Lords Ordainers; but were revived in 1322; though they did not receive legislative sanction until 1353.

Such high-handed procedure on the part of Edward I. was not so easy as in former times. People would not

tamely submit to be robbed under the form of law, even by a great and popular monarch. A remarkable proof of this occurred in 1296. He was about to lead an army into Flanders, and he designed to send another into Guienne under the Earls of Hereford and Norfolk. These two great nobles were aggrieved by levies of money and goods made by the royal orders. Both declined to go; saying that they were only bound to attend the sovereign in person. In a great rage Edward said to Norfolk,—"By the Eternal God, Sir Earl, you shall either go or hang." He was instantly told in reply, —"By the Eternal God, Sir King, I will neither go nor hang." The two nobles then left the Court, with fifteen hundred knights. Edward saw that he had gone too far in his rash impulsiveness; and he is represented as making what was tantamount to a public apology, "with tears in his eyes." A bold justification or a frank acknowledgment always sufficed to mollify his wrath and to disarm his resentment. He suffered the matter to pass the more readily, because his presence was urgently required on the Continent. But the spirit of resistance could not be allayed. His son, the Prince of Wales, was left as Regent, and the Council appointed to advise him, alarmed at the state of affairs in the country, convened a Parliament in October, 1297. The two recalcitrant Earls and their adherents then demanded a general Confirmation of the Charters, with the addition of the omitted clauses from the original, whereby the right of taxation without consent was renounced by the monarch. It was explicitly declared that late illegal levies of money and troops should not be drawn into a precedent to the hurt of the kingdom. In particular, the exaction of forty shillings a sack on wool was stigmatized as an "evil toll," and was expressly forbidden for the future. A Statute was passed, embodying the above provisions; with one against the imposition of arbitrary Customs' dues. Prince Edward engaged to procure a ratification from his father; who judged it politic to seal the new Confirmation Charter at Ghent on November 5, 1297. Sheriffs were ordered to read this four times in every year in their county courts. Copies were to be placed in every cathedral, and to be read there publicly twice a year.

On his return to England, Edward was required to renew this; which was solemnly done in Parliament on March 8, 1299. This virtually settled the question that the government of England rested, not with the monarch alone, but in conjunction with the Parliament. However much he chafed, he deemed it impolitic to resist. Even a Papal dispensation from his oath, secretly obtained, was not promulgated during his lifetime; though found subsequently among the royal archives.

Edward I. was several times involved in disputes with the clergy, whose great and dangerous power he effectually curbed. He was devout, after the fashion of his day, a munificent founder of churches, and an enthusiastic Crusader; but he was also, as monarch, heir to rights which he would not surrender, and to duties from which he would not swerve. The old struggle between King and prelates again broke out, which had been waged with such fierceness between William I. and Lanfranc; between William Rufus and Henry I. and Anselm; and between Henry II. and Becket. Archbishop Winchelsey was the ablest prelate who had filled the See of Canterbury (1293–1313) since the great Cardinal Langton. His masterful nature could not brook the control exerted by a monarch who was as masterful. The relations became strained; and, though no open rupture occurred, Winchelsey withdrew to the Continent until the death of Edward. Throughout his reign there had been disputes with regard to the temporalities and to the supremacy. The Church had become possessed of vast landed property, left to churches, chantry chapels, abbeys, and to particular places by dying persons, in order to purchase Masses for the repose of their souls. It was known that the clergy, of all ranks and orders, both Regulars and Seculars, who numbered at least forty thousand, out of a population of not more than two millions and a half, often used their influence, especially with women, to induce them thus to bequeath their property to pious uses.

As it seemed likely that the danger of this absorption of land would increase, to the impoverishment of all landowners, and especially of the Crown rights, Edward and his nobles resolved to check it by the Statute *De*

Religiosis, or, as it is commonly called, the Statute of Mortmain; *i.e.*, "in a dead hand." Passed in 1279, it is the first of a long series of such enactments made during the next five hundred years. It was the emphatic and defiant reply to certain Canons made in a Church Council convened at Reading by Archbishop Peckham, who filled the See of Canterbury from 1279 to 1292. He had to make full and humble retractation in Parliament. Never was enactment more unpopular with the class against which it was aimed. It forbade gifts and alienations of the above kind, under penalty of forfeiture; but was often eluded by subtle devices of the ecclesiastical lawyers, who employed their ingenuity to circumvent the Legislature, chiefly in the interest of Monasteries, whose inmates could well afford to pay for legal quips and quirks. They also brought sham actions for the recovery of property, under pretence of a legal right, and by means of secret contracts and bribes, they induced the real owners not to appear; thus gaining judgment by default. Another Statute, *De Donis*, was passed in 1285, to prevent this. It protected reversionary estates, and, incidentally, established a system of entails. One of its clauses gives curious proof of the evasions practised, by setting up crosses on tenements, as if they were devoted to the Church; in the same way as the Jews in the time of Christ employed Corban, or a gift, in order to evade filial obligations.

Another cunning scheme was the creation of charges and annuities, and, subsequently, the acquisition of the great tithes. Eleven years later, in 1296, Edward I. had a more serious dispute with the clergy. In obedience to a Bull from Pope Boniface VIII., they refused to tax themselves for the expenses of the kingdom. Archbishop Winchelsey plainly told the King that they were more subject to the Pope than to him. Edward was not afraid of any Pope, and would not permit the clergy to defy him, and to withhold their due proportion of the expenses of government. On the other hand, the Pope was resolved to maintain at its highest pitch the tone of defiance which former Pontiffs had taken. In his Bull, he forbade the clergy anywhere to pay secular taxes; declared that no layman had power over ecclesiastical persons or

property; and threatened excommunication against all princes, nobles, and their officers who demanded or took such taxes. Behind all this was the old claim; not always explicitly avowed, but perfectly understood. Church authority pretended to be not only independent of the civil power, but to be supreme. Assumptions were made that struck at the root of society. The challenge was instantly accepted. Justly enraged with the clergy, Edward took bold ground. He was as determined as William I., or any of his predecessors, to maintain the absolute supremacy of the Crown, and to transmit it unimpaired. He said that those who would not contribute to the support or defence of the country were not entitled to protection, and that if the clergy would not perform the duties of subjects, they should not enjoy any rights and privileges as such. They were therefore declared in a state of outlawry. This deprived them of the power to seek redress for any wrongs. In the technical but expressive phraseology of the time, they were "put out of the King's peace." Any persons might cheat them or assault them with impunity. The courts of law were closed against them. No one dared protect them. Their goods were declared forfeited to the Crown. Tenants might refuse to pay rent, and it could not be enforced. Debtors might defy them. They were openly insulted and robbed. Even the Archbishop was attacked on the highway and stripped. No redress could be obtained for the most violent injuries.

Such resolute policy on the part of the King surprised and alarmed the clergy. Edward was resolute that they should have no privileges incompatible with civil order and the common rights of the whole realm. In his view, the monarch was as truly the Lord's Anointed as any bishop or abbot. One result was an enormous increase of his own power in Church and State. The country also gained, in an adjustment of its relations with Rome, which continued until the Reformation, and the political effects of which still abide. To threaten such a man with spiritual censures was idle. His hand was heavy upon the clergy. They had tried conclusions with him, and were signally and ignominiously worsted. His demand now took the form, not of a Subsidy, but of a

fine amounting to a confiscation of all their property. They were much perplexed; and knew not what to do By obeying the Pope, they had angered the King. If they placated him by absolute submission, they would incur the displeasure of Rome. They must resist one of the two. A division arose among them. Those who had most to lose, privately made their peace. One by one, bishops and abbots went to Castle Acre, in Norfolk, where Edward then was, and submitted to the hard terms. They had to pay heavy fines, or to find pledges for the payment, before the sentence of outlawry was taken off. Winchelsey alone held out, and his estates and property were seized; until even he was wearied into submission. The clergy received such a scare that henceforth, with occasional outbursts on the part of the more fiery, they proved as docile as they had been refractory. For the first time for two centuries they were made effectually to submit to the operation of law. The example thus set was copied and extended by Henry the Eighth.

Four years afterwards, Boniface VIII. had another severe check. Thomas Walsingham, writing in his Chronicle, a century later, of the year 1300, says that the Scots, "knowing all things to be saleable at Rome, sent over rich presents to the Pope," that he might stay the King of England in his proceedings against them. The Papal Court was always ready to assert some new claim to power, or to revive old or disputed claims. Boniface dispatched a Bull to Winchelsey, to be delivered in person to the King, who was then besieging Carlaverock. He was ordered to abstain from all further proceedings against Scotland, "which did and doth still belong in full right to the Church of Rome." Instead of giving an instant reply, although his mind must have been fully made up, he issued writs for a Parliament to be held in Lincoln, in January, 1301. It is memorable as being the first occasion of a positive assertion on the part of an English Legislature of independence of the Papal power. Consentaneously, as has been already pointed out, a similar assertion was being made in France against an identical claim. The result of the gathering was a famous letter addressed to the Pope; sealed by one hundred and four barons in the name of the entire

commonalty; protesting against his interference in the temporal concerns of the kingdom. The words of the protest were subsequently embodied in the Statute of Provisors of 1350 (see Chapter XXV). Edward, firmly rejecting the claim, would not even send commissioners to Rome to discuss it, as he had been enjoined in the Papal Bull. Probably he never thought of questioning the Pope's spiritual power; but his own clear intellect enabled him to see through the designs of the clergy. When he "felt himself to be in the right," as he once told Winchelsey, he was "ready to go to the death" in its defence.

In a Parliament held at Carlisle in 1307, the last year of his reign, complaints were again made of the foreign ecclesiastics, similar to those which had been heard during the reign of Henry III. The English of those times had no love for foreigners. Favours and preferences shown, led to their being cordially detested; whether they were merchants, enjoying lucrative monopolies, purchased from needy monarchs at the expense of the natives; or captains of mercenaries ready to fight and murder for a consideration at a moment's notice; or Papal nominees to rich ecclesiastical offices. Nor was this mere insular jealousy and prejudice. The dislike was justified by the conduct of most of these favoured foreigners; who looked upon England as a rich country awaiting plunder; and then derided its people whom they had fleeced. There were also in England various bodies of Italian merchants and money-lenders, known as Pope's Companies, who acted as agents for Rome in collecting the above dues. The clergy were driven to borrow of these men, at high rates of interest, in order to meet their demands on behalf of the Pope; and thus they reaped a double harvest.

After careful inquiry into these and similar grievances, Parliament declared that they should no longer be permitted. The Nuncio was ordered not to do anything of the kind, either personally or by deputy. He was also forbidden to send away any of the money which had been collected, until the royal pleasure was known. These measures had some effect in abating the evils, but they were too deeply rooted to be wholly removed at that time. The craft of the clergy, and their sway over the

fears and the prejudices of men, enabled them to evade, if not to defy, the laws. During later reigns, the Statute of Mortmain and similar enactments were made more sweeping and severe; but not until the Reformation in the sixteenth century did ecclesiastical power in England receive a fatal blow. Edward I., as a true patriot-King, deserves grateful remembrance for the manner in which he curbed an intolerable clerical despotism. By the appointment of Legates, the Popes sought to establish in each kingdom a representative of their supreme jurisdiction. Successive monarchs of England struggled against it, with the avowed or implied appeals to Rome; prohibiting them, and also forbidding the introduction of Legates without express leave. The latter difficulty was usually surmounted by appointing the Archbishops to the office; which often gave rise to doubts as to whether certain acts were performed in the capacity of Primate or of Legate. The practice of appeals to Rome lasted until the Reformation, with incessant protests, and assertions of national independence, by restrictions to such matters as testamentary and matrimonial business. Besides the Statutes expressly passed to limit the power of the ecclesiastical courts, numerous prohibitions were addressed to them in specific cases by the royal courts.

CHAPTER XVIII.

SCOTTISH AFFAIRS.

A.D. 1291–1327.

One of the chief political events of the reign of Edward I. was the war with Scotland, in his attempt to subjugate that country. Historians have greatly differed in opinion as to his motives and conduct: the opinion being largely influenced by national predilections. Moreover, the Highlanders were as distinct from the Lowlanders as the English from the Welsh, and this is the key to much of Scottish history. On the one side is an alleged feudal "commendation" of Scotland to England; strenuously

maintained by Freeman and others; but as strenuously denied by Hill Burton and those who adopt the contrary view. It seems hopeless to settle this question. English writers praise the boldness, the skill, and the valour shown by Edward I.; and justify his claim to be the feudal lord of Scotland. On the other hand, Scottish writers charge him with fraud and cruelty, and with a subversion of their national rights and liberties. It does not follow that those who have taken opposite sides in such conflicts of opinion are either wholly right or wholly wrong. Partisanship and prejudice unconsciously give a local colouring. The following facts are certain. Margaret, sister of Eadgar Ætheling, married Malcolm Canmore, King of Scotland. For more than two hundred years their descendants occupied, in a loose sense, the throne of that country. Henry I. of England married Matilda of Scotland; and an illusory homage, with vague reservations, was paid to England down to the time of Richard I., who, with his willingness to sell anything and everything, bartered away the supposed right for a money payment. Alexander III. was but nine years of age when the death of his father, in 1249, placed him upon the Scottish throne. Two years later, he was married to Margaret, daughter of Henry III. Alexander, who was one of the ablest of the Scottish kings, died in 1286, and the last descendant of his house was a grand-daughter, known as the Maid of Norway; the only child of his daughter and of Eric, King of Norway. It was proposed, in accordance with the usual method of barter and sale in royal marriages, that she should be united to the Prince of Wales, eldest son of Edward I.; but she sickened and died on her voyage home. Then various great barons in Scotland began to intrigue for their own interests. Several competitors appeared for the vacant throne; resting their claims on different degrees of kinship to the royal line, as the direct heirs were extinct. A dark cloud loomed over the country; threatening to break in all the horrors of civil war. It was then agreed to refer the dispute to Edward I.

On May 10, 1291, he met most of the rival claimants and many of the Scottish nobles at Norham-on-Tweed.

Before proceeding in the matter, he demanded an admission of his feudal authority. He would not accept the position of judge until this was conceded. It was done, very reluctantly, after an interval of three weeks. The nine competitors also agreed to abide by his decision as Lord-Paramount. Commissioners were named to consider and report on the various claims. The contest lay chiefly between Robert Bruce, Lord of Annandale, and John Baliol, or Balliol, Lord of Galloway. Both were of Norman lineage, and both belonged to side branches of the royal family of Scotland, through David, Earl of Huntingdon, great-uncle of Alexander III. Baliol was grandson of the Earl's eldest daughter; and Bruce was son of the second daughter. After frequent meetings, conducted in due form, and properly recorded, and after diligent search among cathedral and monastic Chronicles, Edward gave judgment, November 17, 1292, in favour of Baliol; who swore fealty to him, and was crowned at Scone. Amidst all the selfish squabbles, the family intrigues, and the feudal pleadings upon the matter, there is no reference to the rights and well-being of the Scottish people, and no account seems to have been taken of the manner in which the decision might affect them. So far as appears from the language of existing documents, nothing was thought of the wishes, the feelings, and the interests of that fierce and self-willed race, nourished in national pride and independence, whose spirit must be bent or broken before the claims of the King of England would be admitted. It is clear that a majority of the nobles and prelates were inclined to prefer Baliol as the lawful heir. Bruce and his friends, forming a minority, appealed to Edward because they felt their own weakness. In order to secure his favour and support, they were willing to relinquish the independence of their country. He listened to them, as far as suited his own interest; and having obtained the admission of his over-lordship, he seems to have acted fairly. His decision was just, for Baliol had certainly the stronger claim of kinship. What Edward did in this matter is distinct from his policy in his later wars with Scotland; which were entered upon to enforce a tissue of absurd legal cobwebs, spun by feudal pedants.

To obtain a Crown, Baliol consented to wear it as a vassal. He soon repented of the condition. Suitors appealed from his Courts to those of Edward, as liege-lord. Troubles arose among his powerful nobles; so lately his equals. He chafed beneath his state of splendid vassalage. In an evil hour he was persuaded to make a secret treaty with Philip IV. of France; then engaged in a quarrel with Edward I. respecting his Continental dominions. This was the beginning of a policy which excited so malign an influence for three hundred years; France and Scotland being frequently united in intrigue against England. Such a treaty could not long be kept secret; and as Baliol either could not or would not respond to his feudal superior's call for assistance in the war then pending with France, Edward resolved to punish him. An army of thirty thousand foot and of five thousand horse was assembled; but, meanwhile, Baliol had become a puppet and a virtual prisoner in the hands of his turbulent barons. They set out in 1296, with a great force of retainers, to meet the English. Then ensued battles, sieges, and raids; with horrible murders, cruelty, and plunder on both sides; but especially, and in the first place, by the Scots. The English besieged and took Berwick, Dunbar, Edinburgh, and Stirling, and proceeded to Perth, where messengers arrived from Baliol, announcing his submission. He had to resign his Crown, and was sent, with his son, to the Tower of London, where they remained three years, but with leave to travel for twenty miles around. They were supplied with money, and with a retinue suited to their rank. He was afterwards allowed to retire to his family estates in Normandy, where he died. Baliol was significantly called Toom Tabard, or Empty Jacket; but he is perhaps more to be pitied than blamed for his inability to control his rough and fierce nobles, who used him as they chose. His family name is perpetuated in Balliol College, Oxford; founded by his father between 1263 and 1268, and largely enriched by subsequent benefactors. John Wycliffe was its Master, in 1361, and John Evelyn, James Bradley, the astronomer, and Sir William Hamilton, figure among its renowned scholars. After Baliol's resigna-

tion, Edward appointed Warrenne, Earl of Surrey, to be Guardian of Scotland, with an English Treasurer and a Justiciary. The four strong castles of Berwick, Roxburgh, Jedburgh, and Edinburgh, besides those already held, were entrusted to English garrisons. Everything was done to give proper security; but no wanton rigour was exercised, nor were needless changes made in the customs and laws of the people. The Stone of Destiny was removed from Scone, and placed beneath the coronation chair in Westminster Abbey, where it still remains. If the tradition that wherever it rested the Scots would possess the dominant power, be supposed to have fulfilment in the Stuart dynasty, a curse was entailed upon England. Edward returned to the South, to prepare for a more vigorous prosecution of the war with France, which had been carried on at the same time, with the object of recovering Gascony. It does not appear whether he thought that Scotland was really subdued. Probably he hoped to absorb it gradually into England; as had been the case with Wales. If this could have been effected amicably, and with the full consent of the people, an untold amount of suffering, bloodshed, and ill-will might have been avoided. During his absence on the Continent, events occurred in Scotland to cause him much anxiety, and he was glad to consent to a truce for two years with the King of France, in order to be able to devote his attention to this troublesome matter.

Just at this time, William Wallace (1270–1305) suddenly appears upon the scene; to disappear as suddenly, after a meteor-like course of about fourteen months. His story, like that of King Arthur or of Robin Hood, is so surrounded by a haze of romance, that it is hard to distinguish the facts of his life from the fictions that have crystallized around it. The songs of later Scottish bards, and such fictions as Jane Porter's 'Scottish Chiefs,' have made him the hero of a War for National Independence. Robert Burns wrote his "Scots wha hae wi' Wallace bled," to an old and popular air, called "Hey tuttie taittie." But the Wallace of history and the Wallace of tradition are distinct persons. Many of the romantic tales concerning him never appeared in written form until the days of Blind Harry the Minstrel,

nearly two centuries later. Wallace gathered a small company of freebooters, whose successes made them bold and induced others to join them. He never had the bulk of the people on his side, and the nobles and gentry, with a few exceptions, kept aloof; whatever they may have done subsequently under Bruce. He led his followers into Northumberland, and in the course of a few weeks reduced the district to the condition of a desert by fire and sword. Houses and cottages were first plundered and then burned. Cattle, horses, sheep, and grain were seized. Property that was not portable was wantonly destroyed. Neither rank nor sex, neither age nor infancy, was spared. Sir Walter Scott says of this robber-raid:—"Increasing his forces that he might gratify them with plunder, Wallace led them across the English border, and sweeping it lengthwise from Newcastle to the gates of Carlisle, he left nothing behind him but blood and ashes." Such atrocities continued at intervals throughout the fourteen months of his active leadership. The tidings reached Edward as he was about to leave for Flanders. He ordered the Earl of Surrey to call out the feudal force North of the Trent, and march against the insurgents. That nobleman was so unfortunate as to sustain a defeat in the Battle of Cambuskenneth, near Stirling, on September 12, 1297; owing to his own rashness. It struck terror into the English garrisons, who gave up their castles. Wallace assumed the title of Governor of Scotland. Edward instantly made a truce with France, and sent over Writs to convene a Parliament at York on January 14, 1298, and ordered his entire military force to meet him there. Eighty thousand soldiers and seven thousand horsemen responded. He forced Wallace to a battle near Falkirk, July 22, 1298, in which it was stated that fifteen thousand Scots fell. This ended his active career. He rose into sudden celebrity by his victory at Stirling in September, 1297, and he fell as suddenly into disgrace and contempt by his defeat at Falkirk in the following July. A desultory local warfare was kept up in Scotland for four or five years after this, in which his talents might have proved of use; but not once is he heard of. He escaped to France with five followers.

Edward marched to Stirling, which had been burned; and sent troops into the surrounding districts before he returned through Clydesdale, Galloway, and Annandale to Carlisle, where a Parliament was held at Easter, 1299. The leading Scottish nobles tendered their submission, but his scheme for uniting the two countries could not then be carried out. He had other things to attend to, both in England and abroad. He was also, for politic reasons, about to marry a second time; his bride being Margaret, the sister of King Philip IV. of France; a child of twelve years of age, and forty-three years younger than himself. Alternate gains and losses marked the course of the next three years, during which the South of Scotland had to endure all the horrors of predatory warfare. In 1303, Edward again marched thither, at the head of a large and well appointed army; resolved, if possible, to end the strife at once and for ever. Scotland was in a state of anarchy. Her people were divided; her nobles were factious; misrule, murder, and plunder prevailed. Such a neighbour was dangerous to the peace of England, and Edward thought it desirable and possible to save Scotland from the results of her own disorder by annexing the country. It is easy to see, after the event, that he was mistaken in his methods; but he must be judged by the actual circumstances, and by what he intended for the best.

Numerous barons and knights made their peace, on fair terms. The important Castle of Stirling was again captured, after a long and brave resistance. Wallace returned to his old haunts, but was seized in Glasgow, sent to London, tried, and executed in the barbarous fashion of those times; his dismembered limbs being exposed in the metropolis, in Newcastle, Berwick, Stirling, and Perth. Probably, as in other cases of hero-worship and of beatification, his violent death had not a little to do with his after fame. Yet it must be remembered that he was condemned, not only, and not so much, for alleged treason and rebellion—which, however, could not be maintained, for he had never sworn fealty to the English King or entered into any engagement with him—as for his "murders, depredations, arsons, and other divers felonies." This does not re

move the blot that rests upon the memory of England's great King. To his notions of knightly chivalry, however, as criticised in the twenty-first Chapter, Wallace's character and aims counted as nothing. He was viewed merely as a common robber and incendiary. In the same false spirit of chivalry, Edward I. had looked on complacently at the storming of Berwick, in 1296, when nearly eight thousand people—mostly unarmed citizens—were slaughtered, and some Flemish traders were burnt alive in the Town Hall, which they refused to surrender.

A Great Council on the affairs of Scotland met in the Temple, in London, February 16, 1305. Among those present were the Bishops of Glasgow and of St. Andrew's; two Scottish earls, one of whom was Robert Bruce (b. 1274, r. 1306–1329), grandson of John Baliol's rival; and several barons. The sittings lasted for twenty days, and many points were settled as to the future government of the country. It was to be represented in English Parliaments by two each of the prelates, abbots, earls, barons, and the commonalty. It was also agreed that the King should be represented in Scotland by a Lieutenant, assisted by a Council of Advice. Provision was made for justice to be dispensed, and for good order to be preserved. All present, including Robert Bruce, swore on the Gospels, for themselves and for the whole people, that the Ordinances should be faithfully kept. The view of Bruce's character presented by most Scottish writers is one that ranks him with Brutus and Virginius, with Tell and Hofer, with Hampden and Eliot, as a consistent patriot, an ardent lover of his country, and as one who devoted himself to free her from a foreign yoke. Yet it is admitted that he was shifty and time-serving between the years 1297 and 1306; sometimes joining for a brief period with Wallace or with Comyn against King Edward, but always leaving some loophole of escape. In 1303, on the death of his father, he succeeded to vast estates, both in England and in Scotland, and took the usual oaths of fealty to Edward. He returned from the Great Council in London "with great appearance of joy and satisfaction"; but within a year he was at the head of another revolt. He did not

commit himself to this until he saw that the failing health of the puissant English King would most likely render the attempt successful. The new outbreak took place on February 10, 1306. Comyn, a powerful noble, who had made his peace with Edward, was the one who could most retard Bruce's plan to obtain the Scottish crown for himself. He was asked to meet Bruce in Dumfries. A pretext for quarrel was found, and Comyn was stabbed by Bruce, whose followers dispatched him, "to make siccar." The only consistent explanation of this crime —then regarded as peculiarly atrocious because committed during a friendly conference, and in a church —is that as Bruce had resolved upon open resistance, and was gathering a party around him, it was convenient to put Comyn out of the way if he would not join in the rising. Yet the enterprise seemed mad and hopeless. Only two earls and fourteen barons embarked with him in the attempt. The great and powerful party of the Comyns were alienated by the murder. Most of the nobles, having suffered so much in the late wars, would not risk another attempt. Certainly it was not at the call of the nation that Robert Bruce took up arms against the English; whatever popular feeling was afterwards evoked by his success. He was hastily crowned at Scone, March 27, 1306, in order to inspire his followers and to give some official colour to his movement.

Edward acted with his usual boldness, skill, and promptitude. Aymer de Valence, Earl of Pembroke, was sent to Scotland as Governor. On the nineteenth of June, he won the Battle of Methven; in which Bruce's followers were utterly routed. Their leader became a wanderer and an outcast for ten months. Edward would not accept his proffered submission; regarding him as a traitor and a sacrilegious murderer. Though suffering from the illness which proved fatal, he journeyed by slow stages to Carlisle, where a Parliament assembled for various matters of urgent business. Bruce came forth from his retirement in the Spring of 1307, and numerous skirmishes took place, but the rising was far from being national. The great Scottish lords still held aloof from him, and his fortunes appeared hopeless, until he unexpectedly defeated the Earl of Pembroke,

May 10, 1307, in the Battle of Loudon Hill. Edward resolved to advance into Scotland and take the command; but his old complaint of dysentery was aggravated, and he died at Burgh-on-the-Sands on the seventh of July. His last hours were spent in trying to impress upon his son lessons of prudence and resolution; in which he was sadly lacking. Edward urged him to continue the campaign, and desired that his own body might be carried at the head of the army, to inspire it, and to terrify his foes. The body was embalmed, and was afterwards buried with much pomp in the Chapel of Eadward the Confessor in Westminster Abbey. The tomb was opened in May, 1774, and a description by Sir John Ayloffe is contained in the third volume of 'Archæologia,' issued by the Society of Antiquaries.

All writers on English history admit that Edward I. was a great ruler and lawgiver: "with Atlantean shoulders fit to bear the weight of mightiest monarchies." He has been aptly styled by Sir J. R. Seeley the Greatest of the Plantagenets. Hume describes him as "this model of a politic and warlike king"; Mackintosh, as "this great statesman and commander"; and Scott, as "the most sagacious and resolute of English princes." In practical wisdom, in clear insight, in constructive ability, in strength of character, and in a sense of justice, he stands second to none. He did for this country what Lycurgus did for Sparta. The Chroniclers laud him, not only as a mighty warrior, but—a rarer and nobler characteristic in the Middle Ages—as slow to engage in war, and always ready to make a just peace. Of the lust after military glory for its own sake, he seems to have been wholly free. They also describe him as firm and sincere in friendship; personally economical; truly devout, after the fashion of that time; a sagacious ruler; loyal to his word: and caring much for the welfare of his people. He appointed the ablest men to offices of trust; he honoured valour and skill, even in opponents, provided only they were fighting men, as the chivalry of the time required; but he hated crime and lawlessness, and was determined to put them down with a strong hand. His general instincts were high-minded, noble, and generous. His nature, like his tall, stately, active body,

was truly regal; but he was also, in the strict sense, a national and popular monarch. He combined what would have been in any other age an excessive regard for prescriptive rights and technical precedents, with a love of system and of what may be termed administrative martinetism. The legality of his mind was at once his strength and his weakness. To obey the law became a synonym for obedience to himself. His love for truth and justice amounted to a passion. Intensely in earnest, and convinced of the honour and integrity of his own ends, he often persuaded himself that what he desired was right, and that the chosen means were the best. He found England priest-ridden, under the old struggle to subordinate the State to the Church, and he raised a barrier against clerical aggrandizement which neither Pope nor priest could break through or surmount. The Statute of Mortmain is the proof of this. With the sagacity of statesmanship he discerned also that the real strength of England lay within her four seas. Hence he strained every nerve to incorporate Wales and Scotland into one monarchy. The inscription placed upon his tomb was said to have been ordered by himself; and it serves to express one of his own dominant characteristics: —"Edward the First, the Hammer of Scotland, lies here. 1307. Keep your covenant!" The last phrase, *Pactum serva*, signifies his unalterable determination to do his duty, and to compel every one else to do the same. If the last years of his reign were less glorious, it was because he did not act in the spirit of the concessions involved in the Confirmation of the Charters, in 1297; especially in the matter of the Forests; interpreting the concessions in a narrow and technical sense.

Edward the Second (b. 1284. r. 1307–1327) was in his twenty-third year when he succeeded to the throne. He received at Carlisle the homage of the English nobles then present with the army, and of many of the Scottish nobles, who did not join with Robert Bruce. Leaving the command to the Earl of Pembroke, he went to London in September, 1307, to arrange for his marriage and coronation. Nine years before, Edward I. had contracted his son to Isabella of France; then only four

years old, daughter of Philip IV., and the niece of his own second Queen. So desirous was he of this alliance, that one of his last expressed wishes was that his heir should carry out the scheme. This was done at Boulogne, on January 23, 1308, with much pomp, and in the presence of four monarchs. None of that gay company could have thought that the epithet of She-Wolf of France would come to be deserved by the child-bride! Edward the Second's chief troubles arose from unwise favouritism; first, with Piers de Gaveston, and then with Hugh le Despenser. The jealousy and anger of the barons were aroused, and they refused to attend a Parliament convened to meet in York, in October, 1309, unless the favourite left the Court. When the next Parliament assembled, in the following February, Edward was forced to consent to the appointment of a committee of twenty-one peers and prelates, to be called Lords-Ordainers, who were to remain in office until Michaelmas, 1311. They were to draft Ordinances for the pretended good of the realm; in conformity with the tenor of the coronation-oath. In effect, the administration of affairs passed into their hands. It was government by an oligarchy; with scanty reference to Parliament. The King was practically superseded. He joined the army in the field against Scotland, and found solace in Gaveston's company. Meanwhile, the Lords-Ordainers proceeded with their task. A comprehensive scheme for the professed reform of government was settled during the year; in preparation for embodiment in a Statute. Edward needed money, and the country desired a continuance of strong government; but he longed more for the return of Gaveston to England than for the money. His enemies were resolved to prevent this.

The famous Ordinances of 1311 consisted of forty-one clauses. All were aimed at prevalent abuses. Some of these were of long standing, in spite of the provisions of Magna Charta and its renewals; such as the miscarriage and delay of justice, and the misconduct of royal officials. Others referred to objectionable acts of policy at the close of the late reign; especially the duties levied upon wool, which were declared to be illegal, as contrary to the

Great Charter. Mention was made of the favourite; and others were named as siding with him. They were charged with having stolen the King's heart from his people, and with having led him into acts of tyranny and dishonour. Their absolute banishment was specifically ordered. Further limitations were placed on the royal power. All the high officers of State were to be appointed in future with the counsel of the baronage, and were to be sworn in Parliament. The King was not to declare war or to quit the country without the consent of Parliament: which was to meet at least annually, and to hold the royal functionaries to strict account. These Ordinances were agreed to by Edward, after a severe struggle; but he soon renounced and repudiated them. On the part of the barons, it was a contest, not so much for principles, as against persons, and for their own advantage. This is proved by the nature of most of the grievances referred to, and by the phraseology used. Hatred of Gaveston, and a resolve to ruin him, were the motives; but complaints of wrongs done to great persons, and needed restraints upon the King's movements, were the assigned reasons. The main purpose was to set up the joint power of the prelates and barons, and to rule in the royal name. Popular sympathy and aid were enlisted, under the plea of patriotism; yet it cannot be denied that the nobles were animated by jealousy and vindictiveness. There is no provision in these Ordinances analogous to that settled in former times: that the whole nation, through its representatives, the knights and burgesses, should share in whatever duty was undertaken for the purpose of securing good government. Yet, in this case, as in others, the ultimate result was an extension of national rights; for the dangerous power of the baronage was finally broken after the Wars of the Roses.

Affairs in Scotland demanded notice. The English force left there had been occupied in numerous sieges and skirmishes; but most of the fortresses taken under Edward I. had been recaptured. In 1314, only Stirling, Dunbar, and Berwick remained in the hands of the English. Stirling was so closely invested by Bruce, whose followers had greatly increased with his successes,

that the governor agreed to surrender unless relief came by a certain day. Edward II. made great preparations. The whole military force of the kingdom was ordered to assemble at Berwick, on June 11, 1314. Though his cousin, the Earl of Lancaster, and other great barons, held aloof, on the pretence that war could not be commenced without the consent required under the Ordinances, one hundred thousand men obeyed the call; one-half of whom were trained archers, renowned for their skill with the long-bow. That weapon was then at its highest point of celebrity. Every man, not being a knight, was required to become proficient. The practice commenced with a small bow in childhood. Bruce could muster only forty thousand, including a small body of cavalry; but he made a skilful choice of position at Bannockburn, and there awaited the attack. On Monday, June 24th, the great and decisive battle was fought. In spite of vast superiority in numbers, the English, owing to bad generalship, were ignominiously defeated, with terrible slaughter and plunder. Stirling Castle was surrendered the next day. Edward fled to Dunbar, and thence to Berwick. This battle practically determined the question of Scotland's independence, although it was not formally admitted until 1323, when a truce was agreed to for thirteen years. The national spirit that had been aroused by recent events appears in the famous Declaration of Scottish Independence, of 1320; the original of which is preserved in the Register House at Edinburgh:—"So long as a hundred of us remain in life, we will never be brought under the dominion of the English; for it is not for glory, or riches, or honour, that we fight, but for freedom alone; which no good man will part with except with his life."

The disaster of Bannockburn was followed by a calamity which, apart from all other considerations, precluded any attempt to retrieve the loss. For many years the price of grain had risen, owing to deficient harvests and to the wasteful expense of the Scottish wars; but actual famine appeared in 1315-6, as a result of a general failure of the crops; followed by the inevitable pestilence, and by a murrain among the cattle and sheep. The first of the kind is recorded in 1275. In London and other

cities the dead were hastily buried in trenches and pits; and in the country districts corpses frequently lay by the roadside. The poor were driven to eat carrion, and even human flesh, as was alleged; and the starving felons in prison fell upon new comers. Temporary relief was afforded by a royal edict that no more grain should be used for malt until the distress was past. The usual attempts were made to regulate prices, which were attended with the usual failure. Edward the Second was too much occupied with personal and domestic affairs during the remainder of his reign, even if the famine, pestilence, and murrain had not broken out, to be able to make further attempts to recover Scottish territory. The country was bordering upon anarchy. Rival factions among the barons strove for supremacy. The Earl of Lancaster, in particular, was intriguing and fighting for his own aggrandizement. His capacity was not equal to his ambition, or to his standing at the head of the peerage. He combined the Earldoms of Derby, Lincoln, Salisbury, and Leicester; besides the one that formed his chief title. His greed of power revealed his real weakness. At one time, he would not engage in war, when summoned; thus distinctly violating his feudal duties. Then he would not attend in his place in Parliament. He would not act with the King, whom he hated, and wished to see reduced to a puppet in his own hands. He hesitated to act without him, and still more against him, lest failure should give to rivals a chance of overthrowing himself. These were playing their own game, while using the old constitutional phrases of the Charters, and there was no hand strong enough to restrain them or clever enough to circumvent them. Into the details, it is needless to enter. In the end, the Earl of Lancaster, having ventured on open war, was defeated and captured in the Battle of Boroughbridge, in Yorkshire, March 16, 1322. He was instantly and perfunctorily tried as a traitor, and beheaded. His contemptible name became the convenient watchword of a party. The rival influence which he had set up against the Crown was intensified, and led to important consequences in the next century. But the struggle had been mainly between the Crown and the feudal barons.

Parliament, during this reign, was little else than a conclave of armed vassals, who browbeat others or who were browbeaten themselves.

At this point, a domestic trouble arose, which cannot be fully unravelled, although it had grave results. Charles le Bel had succeeded his brother Philip V. on the throne of France; and, as was the feudal custom, required his brother in-law, Edward II., to repair to his Court and do homage for Guienne. As this was not done at once, and as Edward failed to attend the coronation, an army was sent in 1324 to occupy the country. Queen Isabella then asked leave to go to France, in order to plead with her brother; but she never returned to her husband. She sent for her son, under the pretext of his doing homage for the Continental possessions instead of his father; and kept him in Paris, where she was living openly with Roger Mortimer, Earl of March, one of her husband's bitterest foes. Again and again Edward wrote to her, to Charles, and to the Pope; urging her return to England with the Prince. Other plans were being laid; and in September, 1326, the faithless Queen, a combined Clytemnestra and Messalina, landed at Orwell, in Suffolk, with numerous hired troops, equipped and paid with money borrowed from the Italian bankers; the usurers of that day. Edward left London, and wandered about for a few weeks, but was taken in South Wales, and sent as a prisoner to Kenilworth. A mock Parliament was held, packed with the Queen's friends, who voted his deposition. It was a foregone conclusion; although, for form's sake, he was made to resign the throne. For eight months he dragged on a miserable existence, about which little was known at the time. The details subsequently transpired, when the Reign of Terror under Isabella and Mortimer had been overthrown. He was taken from Kenilworth to Corfe Castle in Dorset, thence to Bristol, and finally, to Berkeley Castle; where, on the night of September 21, 1327, the inmates are said to have heard shrieks, as of one in dreadful torture. The next morning, the dead body of the unfortunate King was shown, and it was alleged by the keepers that he had died suddenly in the night. Men did not believe this, although afraid to say

so; but in after years it was stated that death had been caused by passing a red-hot iron into the bowels through a horn, so as not to show any outward signs of murder.

The rule of the barons during the minority of Edward III. was as arbitrary and unjust as that of any monarch had been. But the usage grew that no important matters could be transacted without the consent of Parliament; for the practice had been further developed of coupling the vote of Supply with the redress of grievances. Thus, in April, 1309, the royal request for an Aid was met by a specific demand from the Commons that their petition about grievances should first be granted. This is noteworthy, because it states abuses and wrongs which continued, in various forms and degrees, to worry and injure the people. Edward II. expressed himself as greatly surprised; but promised to consider the matter. When Parliament met, three months later, at Stamford, he yielded every point, and in return, received an Aid of a twenty-fifth. Parliament was becoming the place to which were sent all demands for the reform of abuses; for the redress of wrongs; and for changes in unequal laws. Requests which in Norman times had been made to the King alone, were now addressed to him in the Legislature, and formed matters for conference and debate. No fewer than two hundred and sixty-eight petitions were thus presented at Westminster in 1315. In course of time, certain days were set apart for their consideration. As their number and importance grew, a Committee was named to examine and report upon them. This custom of petitioning gradually extended to the country at large, and at length settled into a right.

Another notable incident of this reign was the suppression of the great, wealthy, and powerful Order of Knights Templars. From a very humble beginning in 1118, when nine poor Crusaders assumed the duty of protecting pilgrims at Jerusalem, they had enormously increased in numbers and in property. Concerning this Order, half aristocratic, half religious, with similar bodies, like the Knights of St. John of Jerusalem, the Knights of St. James, and the Knights of St. Michael, Buckle says they were establishments which "inflicted the greatest

evils on society, and whose members, combining analogous vices, enlivened the superstition of monks with the debauchery of soldiers." After the loss of the Holy Land, their luxury, pride, and wealth aroused much enmity in the countries where they settled. Philip IV. of France was the first to assail them. In 1307, he seized their property and cast them into prison. His influence with Pope Clement V. was such as to induce him, two years later, to issue a Bull, suppressing the Order, on certain charges of heresy and crime; but, in reality, to gratify the royal cupidity. Edward II. followed the example of his father-in-law. All the Templars in England were imprisoned; though no evidence was brought against them, excepting that of three men of bad character. The customary stories were told or invented, of corruption, blasphemy, and impiety, in excuse for the persecution and suppression. As the object was to secure their vast wealth, they were pronounced guilty, and sent to various Monasteries. None were racked, or put to death, as had been the case in France. The famous church which bears their name in London dates from 1185. Their suppression foreshadowed that of the alien priories under Henry V., and the dissolution of the Monasteries in 1536–9.

CHAPTER XIX.

DOMESTIC MANNERS IN THE THIRTEENTH AND FOURTEENTH CENTURIES.

By the zeal and industry of patient investigators, numerous particulars of domestic manners have been brought to light; especially in the reproduction of satirical stories and songs of the thirteenth and fourteenth centuries. They are to be found in the 'Transactions' of the Camden and Percy Societies, and of other learned bodies, and in such valuable works as those of Thomas Wright. Many of these contemporary narratives cannot be clothed in modern dress, because of their almost invariable coarseness. The standard of verbal and social

refinement was extremely low. In fashionable romances, composed for the entertainment of the best society, and in books of professedly moral instruction for young people of both sexes, tales are told and dialogues are reported in language which cannot be quoted. Ladies are described as saying and doing things which would now be scouted and abhorred. Even when these are especially heinous or gross, the narrators, while ridiculing failure, utter no words of condemnation.

Such was the polite literature of the time. To refer to it at all is odious; but it is necessary, in order to reflect truly the manners of the times, and especially in order to refute that false modern sentiment which views everything connected with the Middle Ages through a rose-coloured halo, and laments over what is termed the decadence of chivalry. The alleged gallantry and refinement of feeling which men are supposed to have shown towards the opposite sex, was but a conventional and hollow politeness; for ladies were often treated with revolting brutality. Men beating their wives, and women with whom they quarrel, but who are not their wives, is a common incident in the tales and romances. The legal and actual condition of women remained for generations as delineated in the thirty-second Chapter. Among the upper classes, at any rate, the bonds of matrimony were soluble almost at pleasure; if money was forthcoming. Eleanor of Aquitaine, consort of Henry II., married him immediately after being divorced for the purpose from Louis VII. of France. Constance of Brittany, mother of Prince Arthur whom Shakspere has idealized let her husband, Ranulph, Earl of Chester, to marry Guy of Flanders. Philip II. of France wedded the sister of the King of Denmark one day, and divorced her the next; and after uniting himself to a German lady, repudiated her and returned to the Dane. King John, in 1189, divorced one wife and took Isabella of Angoulême. How little he cared to show himself faithful to either, the Chroniclers of the time freely narrate. Matrimonial infidelity and infelicity appear to have been the prevalent order of things, not only with monarchs but among the nobility, and, by presumption, among all classes. All sins and vices were condoned to all men,

and to women, so long as they took care to keep on good terms with Holy Church.

The effigy of Henry III., in Westminster Abbey, shows him in a long and full tunic, with a mantle fastened by a brooch on the right shoulder. The boots are crossed by golden bands, each square bearing a lion. The usual dress of men of the richer classes was the long gown, lined with fur in Winter, and reaching to the feet, a tunic or surcoat of good quality and gay colour, stockings of cloth, worked with gold, and drawers. Cloaks and mantles were used on state occasions, or when travelling. The excessive bravery of attire led the Scots to deride the army:—"Longbeards, hartlesse; painted hoods, witlesse; gaie cotes, gracelesse, make England thriftlesse." Ladies still wore the robe or gown with tight sleeves, and over it a super-tunic; both made of the finest materials and richly embroidered; but the dress was ridiculously long and trailing. The needless amount of silk and woollen stuff thus worn is frequently spoken of in the sermons and in the stories of the time. The veil and wimple were often of gold tissue. False hair was largely used, and tight-lacing had long been practised. Men still wore flowing curls, but the face was not shaven as among the Normans. Rings were entrusted to messengers as their credentials, or were lent for the purpose of introducing the bearer. Magic rings were supposed to possess peculiar charms, and ancient rings containing engraved stones were believed to impart extraordinary benefit and virtue to the wearers. The presentation of gloves was a general custom. These were sometimes wrought with silk, richly embroidered and adorned with jewels, and were esteemed worthy of acceptance by kings, nobles, and prelates. Chain-mail was being superseded by plate-armour. The knightly baldrick, and the girdle, were magnificently wrought in gold, and enriched with precious stones.

Numerous books of instruction in good manners, written for the benefit of young ladies in the Middle Ages, contain particulars of habits to be avoided. They are warned against scolding, disputing, swearing, eating or drinking too freely, and getting intoxicated. They

are recommended to keep their hands clean, to cut their nails often, and not to suffer them to grow beyond the finger. The directions for behaving at table are precise :— "In eating, you must avoid much laughing or talking. If you eat with another" (*i.e.*, off the same plate, or from the same mess), turn the nicest bits to him, and do not go picking out the finest and largest for yourself; which is not courteous. No one should eat greedily a choice bit which is too large or too hot, for fear of choking or burning herself. Each time you drink, wipe your mouth well, that no grease may go into the wine; which is very unpleasant to the person who drinks after you. But when you wipe your mouth for drinking, do not wipe your eyes or nose with the table-cloth, and avoid spilling with your mouth, or greasing your hands too much." Many other minute directions are given.

The scattered population in rural districts, where small villages and hamlets, though numerous, were distant from cities, towns, and fairs, had to depend mainly upon nomadic traders and artisans. The roads were constantly traversed by such people, who earned a precarious livelihood by supplying the necessities of the country-side with commodities in daily use, or by performing such mechanical services as could not be obtained otherwise. There were also buffoons, gleemen, minstrels, and singers; itinerant quacks and drugsellers; pedlars and chapmen; peasants out of bond—or "masterless men," always in dread of arrest—outlaws, and thieves of all kinds, strolling preachers, Mendicant Friars, Pardoners, and Pilgrims. Universal panaceas, were common. The travelling herbalist puffed his wares very much in the style of Ben Johnson's mountebank early in the seventeenth century, or like the rural charlatan of the present day. He launched sonorous sentences and told marvellous tales when setting forth the pretended efficacy of his medicaments, and the cures they had wrought. Cagliostro has had his counterparts in every age. The popular songs and satires record the sayings and doings of these itinerant quacks. Sometimes they found themselves within the clutches of the law; for even in those early days the regular and authorized practitioners sought to uphold their monopoly by

enactments. One Roger Clark, in 1381, was sued for the illegal practice of medicine in the City of London, because he pretended to cure a woman of an illness by making her wear a parchment charm. He was brought to the pillory on a horse without a saddle, preceded by trumpets and pipes; his parchment, a whetstone, and other implements used by him, being hung round his neck and down his back, "in token that he had lied." Forty years afterwards, in 1421, an Ordinance against the meddlers with Physic and Surgery was passed. It denounced severe penalties on all physicians who had not been approved by the Universities, and surgeons by the masters of that art. But the alleged irregularities were not checked by this measure, nor by the grant of a Charter in 1540 to the Company of Barber-Surgeons of London.

Pedlars and chapmen swarmed during this period. There were not then to be found shops in every village, supplied with the necessaries of daily life. Household wares were carried about the country by packmen, on their shoulders, or by the aid of a horse. Among the articles offered for sale by the travelling mercers and dealers were girdles, buckles, gloves, steel chains, cords for viols, wimples dyed in saffron, needles and thimbles, jewel-cases, leather purses, tags for laces, skin rasps, arrow-points, kerchiefs and ties, both of silk and linen, spoons, rolling-pins, flageolets, beds, awls, lancets, soap, sulphur, knives, incense, tablets, silver and brass ware, spices, ointments, dice, and toys. There was considerable trade with the Continent, especially with France and with Flanders, for articles of luxury and adornment. London was the chief port of entry, although a large and lucrative trade was carried on through other ports on the Eastern and Southern coasts. Among the former, Sandwich, Winchelsea, Dover, Harwich, Yarmouth, Norwich, Lynn, Boston, Hull, and Newcastle were the principal; and of the latter, Southampton, Weymouth, Dartmouth, Plymouth, Bristol, Looe, and Fowey.

Southampton was for centuries the great port where carracks from Flanders and galleys from Venice poured into England the treasures of the then known world. Nearly forty trades are mentioned in the town-records of

the fourteenth century, as carried on, not only by the natives, but by numerous settlers from Burgundy, Lombardy, Flanders, and Denmark. The Southern counties found there a ready market for their produce and industry in exchange for the foreign commodities named below, By the end of that century, the merchants of Bristol had made their city the chief depôt for the wine trade with the South of France, for the salt trade with Brittany, for the fish trade of the Channel, and the Staple for lead, tin, and leather. This, with cloth, was exported to Denmark in exchange for stock-fish. The Bristol merchants were men of wealth and renown, living splendidly in large houses, the spacious cellars stored with goods, the walls of the dwelling-rooms hung with Arras tapestry, and having plate that rivalled the possessions of the nobles. Norwich was also a flourishing port; and Beccles was then close to the sea. Wells, Cley, and Blakeney, counted their tonnage by hundreds, and did a great trade with the Hanse Towns. There have been similar recessions and corresponding encroachments on other parts of the coast. Norfolk was the richest county in England; excepting only Middlesex. It was the principal seat of the woollen manufacture, carried on in numerous villages—that of Worsted giving its name to the article from which stockings were knitted —and its agricultural renown, especially for barley, was great. Oxfordshire ranked next in wealth, owing entirely to its agriculture. The poorest counties were Lancashire and the West and North Ridings of Yorkshire. These modern hives of industry were little else than moorland and fen, scantily peopled. The Mersey was an unfrequented estuary, and the Irwell a babbling mountain stream.

Among articles largely imported from the Continent were silks, furs, and ornamental leather. Squirrel and other skins were brought from Spain; rayed cloths from Brabant and Flanders; silk textures from Limoges; wines from France, Spain, Greece, and Italy; alum from Biscay; pitch, charcoal, and timber from the Baltic; garlic and onions from Amiens, and woad, for dyeing, from Normandy and Picardy. The usual price of imported wine was about thirty shillings a tun. Trade had

extended also to Lorraine, Norway, Lubeck, Lucca, Florence, to the Mediterranean ports, and to the Orient. Sir John Mandeville (1300–1372), the earliest Englishman who wrote an account of his adventures, spent thirty-three years in wandering over Europe, Asia, and Africa. His usual appellation is "the lying traveller"; unless the modern theory be accepted, that the book is a later compilation, and the reputed author a myth. His narrative was long exceedingly popular, and was translated into various languages after its first issue in 1499 by Wynkyn de Worde. Spices and frankincense came from the East, through Genoa, and from Arabia; palm-oil from Baghdad; and purple drapery from India. Miscellaneous articles of import frequently mentioned are quicksilver, vermilion, coloured glass, sulphur, ivory, turpentine, wax, and whalebone. Among articles of food thus introduced were pepper, sugar, almonds, ginger, figs, raisins, cinnamon, dates, olive oil, rice, cloves, mace, and saffron. The only English fruits named in the 'Liber Albus,' or White Book of the City of London, are apples, pears, and walnuts, and the chief vegetable are cabbages, onions, leeks, and garlic. Pease and beans of a coarse kind were used. There is much uncertainty upon the subject of the cultivation of esculent plants. It is probable that in the gardens of monasteries, vegetables were reared, such as were not in common use. Scurvy, itch, and a kind of leprosy, or scrofula, were among the inevitable consequences of the large use of salted provisions during at least one half of the year, and the absence of such wholesome vegetables as potatoes, carrots, and parsnips. The virulence and fatality of these loathsome diseases were aggravated by the inconceivably filthy habits that prevailed.

The extensive foreign trade involved a general use of currency or bullion, at a time when modern banking facilities and exchanges were unknown. The sterling money of England—so called from the Esterlings, or merchants of the Hanse Towns, who were skilled in coinage—was famous throughout Europe for its purity. The standard was eleven ounces two pennyweights of pure silver to eighteen pennyweights of alloy; out of which two hundred and forty silver pennies were coined. They

were the sole currency down to the fourteenth century. Depreciation was sometimes attempted; as in 1344, under Edward III., who ordered twenty-six additional coins to be minted out of the same weight of metal; or at different times when the quantity of alloy was increased; but the inevitable effect was to derange trade and industry, and to raise prices; so that the evil wrought its own cure, and the debased currency had to be called in. Clipping the coinage was felony; punishable with mutilation and death. Great improvements in the operations of the Mint were made in the first half of the fourteenth century, when silver halfpennies and farthings were made. Extant treatises show considerable numismatic and scientific knowledge. Payment was made partly by tale, but chiefly by weight. In the time of Edward III. a double standard was introduced; gold being represented by the well-known beautiful Flemish "noble," of the nominal value of six and eightpence—afterwards appreciated to ten shillings—and by the half and the quarter noble. The silver groat, of four pennies, and the half groat, were also introduced. The process of coinage was rude. The metal was cast from the melting-pot into long bars, which were cut with shears into square pieces of approximate weight. These were reduced to a round shape by tongs and hammer, and were made white by annealing or boiling, before receiving the impress from the die and hammer. This somewhat primitive kind of money continued until 1503, when milled money took its place. The introduction of base or inferior foreign coins led to Statutes being passed requiring alien merchants to bring with them actual bullion in payment for their purchases; while the exportation of English coin was checked as far as possible. Edward III. also issued, in 1343, the florin; so called from Florence, where it was first struck in the previous century. It was a gold coin of the nominal value of seventy-two silver pennies. There were half and quarter florins; but they were unpopular, and were soon called in and re-coined in the form of nobles. Denominations of pounds, marks, and shillings were for a lengthened period merely figures of account. In the time of Henry VI., a new gold coin appeared, called the "angel," from the figure on the

obverse of St. Michael trampling on the dragon; and under his successor, Edward IV., a variation was made in the noble by adding a full-blown rose. The sovereign made its appearance in 1490, of the value of twenty shillings; coined for the first time in the reign of Henry VII.

Dried fruits, as well as spices, properly so called, were included under the general name of "spicery." Those who imported them from the East also brought the rich silks, fine linens, and gold stuffs for which Asia was renowned. The partiality for pronounced flavours, both in dishes and in drinks, led to the use of a great variety of condiments and aromatics. Spices formed an important article of diet. Dried and salted meat or fish were the staple food in winter, and required to be flavoured in order to break the monotony and to tempt the appetite. Beer was brewed indiscriminately from barley, wheat, and oats; and sometimes from a mixture of the three. Spices and herbs were largely used in brewing; and with wine as a hot drink. The cultivation of hops was not introduced into England from Flanders until the time of Henry VIII., nor did it become general before the seventeenth century. Great prejudice existed against hops, and they were denounced, in a petition to Parliament, as "a wicked weed, that would spoil the taste of the drink, and endanger the people." Brewing was carried on almost exclusively by women, and most of the beer houses in London were kept by females, who brewed and sold without tax or license; subject alone to the Assize of Ale, and to the domiciliary visits of the ale-conner and the alderman. Horns, often curiously carved, fine specimens of which still exist, of a later date, but in the same style, were used for drinking; as in former times. The beer-sellers appear to have had an evil reputation. They were constantly in trouble in the manorial courts for false measure; as were the vintners for adulterating their wines. One of these was pilloried in 1364, and made to drink publicly some of his deteriorated liquor, while the rest was poured over his head. Besides this, he was sentenced to renounce the trade for ever. Bakers also had an evil reputation, and were continually being convicted and punished for short

weight and for using inferior ingredients. Adulteration of food and drink is not peculiar to any age or country.

The culinary art was carefully studied among the wealthy classes; whatever was the condition of the bulk of the people. Sumptuous entertainments were given by the nobles; most of whom maintained, besides their personal retinue, a small army of dependents. Mediæval cookery books, still in existence, show the labour, expense, and skill bestowed. They contain directions for numerous made dishes, some of these being very complicated and delicate. The office of cook was of great importance. Alexander Neckham, in his 'Liber de Utensilibus,' compiled at the close of the twelfth century, gives an elaborate account of kitchen furniture and appliances. Many of the clergy, being wealthy, kept excellent tables, and maintained their professional reputation as gourmands. The monks of St. Swithin, at Winchester, laid a formal complaint before Henry II. against their Abbot, for depriving them of three out of thirteen accustomed dishes for dinner. The monks of St. Augustine, at Canterbury, were yet more luxurious. They had at least seventeen dishes, besides dessert, and their cook was renowned for the use of spices and sauces to provoke appetite. *De Missâ ad mensam* was a proverbial saying; rendered, in colloquial phrase, "from Mass to mess;" implying that, in the popular opinion, the only active employment of the monks was to eat and drink and say their prayers. Many such tales were current, similar to those quoted in the fourteenth Chapter from Giraldus and others. Lent was observed with strictness. There was a general abstinence from meat on Wednesdays and Fridays throughout the year. Trout streams and fish ponds were essential to every monastery. Besides the ordinary fresh and salt water fish in common use, frequent mention is made of the whale, the porpoise, the grampus and other coarse kinds. At the Lent season in 1246, Henry III. ordered the Sheriffs of London to purchase for his use one hundred pieces of the best whale, and two porpoises. Eels and herrings were largely used by all classes, and herring pies were esteemed as delicacies. Lampreys were a favourite dish with epicures, and Gloucester was renowned for them. The Severn was

the main source of the salmon supply; but a large and valuable fishing industry was pursued along the coast, from Cornwall to Scarborough.

The custom of keeping early hours prevailed, and is frequently referred to by contemporary writers. People generally rose with the sun. The usual dinner hour was nine or ten. This meal was partaken of in public, in large houses; the family, their guests, and the servants dining together in the hall. Forks were unknown. Supper was served in the same way about five. In summer it was customary to retire as darkness approached; the crowd of dependents sleeping where they could among the straw or rushes that littered the room. Even so late as the time of Edward IV. this custom prevailed. In the 'Book of Ordinances,' compiled for the palace domestics, several of them are spoken of as having beds allotted in the hall. Thus, in the midst of a lavish display and profuse hospitality, there were things in the household economy of the great and rich which appear to modern eyes exceedingly mean and sordid. Some estates were held by the tenure of providing clean straw for the King's bed, and litter for his chamber, as often as he lodged in the neighbourhood. By the close of the thirteenth century, however, with all classes, excepting the poorest, the appearance of the bed-chamber was a subject of attention and pride. It was the usual place to receive visitors for private conversation. Bedsteads were becoming elaborate in their carving, and were supplied with curtains. Beds stuffed with down; and quilts, sheets, and coverlets are frequently mentioned. A carved wooden hutch, or locker, was placed at the foot of the bed, for securing money, jewels, clothes, and other valuables. As in earlier times, and on to a much later period, the out door occupations and sports of the men left them but little opportunity for domestic life. The women, when not engaged in household duties, spent their time in the bower or chamber, employed with the distaff or with embroidery. Scanty information exists as to the evening occupations in winter, but there seems to have been singing and dancing, and telling tales around the huge log fires. Candles and lamps were too expensive to be freely used,

but torches were held by attendants, or were placed in iron sconces fixed to the walls. Other artificial light was scarce and costly, and was wholly beyond the means of the multitude at a time when a pound of wax candles formed a precious votive tribute at the shrine of a saint. These were used only in churches, palaces, and baronial dwellings.

The furniture of the dining table was scanty, even in large houses. Its chief ornament was a huge salt-cellar, and the position above or below it continued to mark the rank of the guests. At royal tables and at those of wealthy nobles, goblets and dishes were sometimes of silver-gilt or enamel. Great pride was taken in the possession of such things, but in ordinary houses wooden bowls and trenchers were used. In the huts of the common people nothing was to be found but the barest and rudest necessaries. An iron tripod and a brass dish formed the usual cooking apparatus. Minute inventories taken for purposes of taxation show that the contents, with the tools of workmen, were comparatively few and of slight value. Of household furniture, such families had but little. A bed, when rarely found, was valued at from three to six shillings; a brass pot, from one to three shillings; silver cups, one or two shillings; a cobbler's stock, seven shillings; a butcher's, thirty-eight shillings. Most of the families named on these lists had a small store of barley or of oats; very few had wheat. Hand-mills are mentioned as costing twelvepence; and grid-irons from sixpence to eighteenpence. Two valuations of Colchester, taken in 1296 and in 1301 for the purposes of a Subsidy, prove that one of the most flourishing towns of that time was far inferior to many a modern village in point of domestic wealth and comfort and of the value of tradesmen's stock. One person, who united the functions of a mercer and a vendor of spices, is returned as possessing wares not more numerous or costly than the pack of a modern pedlar. In another case, the stock, with the household furniture and utensils, is valued at five pounds, nine shillings, and three pence. Even allowing for the great difference in the purchasing power of money, this seems insignificant. Nothing escaped the proverbial vigilance of the Argus-eyed assessors and tax-

collectors. A man whose property was valued at ten shillings, had to pay eightpence for the Subsidy of a Fifteenth. A woman was charged a penny on her stock of bread for sale. Another, whose chief possession was a brass pot, was also amerced in a penny. The tools of a carpenter did not escape. Two axes, an adze, a square, and a spoke-shave were put down at a shilling, a blacksmith's tools at two shillings, and a tanner's stock, tools, and clothes were estimated at less than ten pounds. This trade was then very important, and continued to be so for centuries. Leather was used not only for military and trade purposes, but it formed a chief part of the dress of the men among the commonalty. The Roll of Household Expenses of the Bishop of Hereford, in 1289–90, published by the Camden Society, and the Household Roll of the Countess of Leicester, widow of Simon de Montfort, published by the Roxburgh Club, furnish interesting particulars, of the private life of English nobles at the close of the thirteenth century.

The popular sports were wrestling, running, boxing, and horse-racing. Tilting at the quintain, on foot or on horseback, as well as in boats, was a favourite pastime. The quintain was a strong upright post, with a transverse piece moving on a spindle. The game was to tilt at the board nailed on one end of the cross-bar, and to strike it so as to escape a smart blow from a bag of sand suspended at the other end. There were numerous gay processions; municipal, trading, and ecclesiastical; with Maypoles, Morris dancing, and Mummers. Dancing was a common recreation. Maidens in servitude claimed the privilege of indulging in it on holidays and public festivals. Archery attained its greatest renown in the time of Edward III., and continued until the general introduction of fire-arms. The length of the bow was usually the height of the archer, and the "cloth-yard shaft" is often spoken of. Terrible execution was done therewith in the Scottish and French wars. Slinging, throwing heavy weights, hurling spears or javelins, quoits, and similar games continued to be popular. Dice and cards were the most common among games of hazard, and there was a passion for high play. In the regulations for the army of Richard I. on his crusade,

the playing of any game for money is forbidden, except to knights and clerics, and they might not lose more than twenty shillings in one day or night. Chess, as of old, was a favourite recreation. A game called "tables," of the character of backgammon, was also played; as were social games of questions and commands, and of forfeits. Cock-fighting, bull baiting, and bear-baiting were popular amusements. Every town of any size had its bull-ring. An open space in the centre of Birmingham still has that name. Bears were also tamed, and taught various performances. Hawking and hunting, especially the former, were fashionable out-door sports. It was a mark of gentility to carry a hawk on the gloved hand when riding or visiting. In the illuminated manuscripts of the period, both ladies and gentlemen are frequently shown seated in conversation, with a hawk either on the hand or resting on a perch. Hawking was a complex science. Numerous treatises were written for its elucidation, and rules were laid down for the sport. The birds were strictly protected. A person finding one astray was required to deliver it to the Sheriff; who made proclamation for the owner.

Feats of activity, such as vaulting, tumbling, sleight of hand, and throwing weights, were performed by travelling jongleurs, who were famous for their dexterity with swords. They also composed and recited descriptive, humorous, and satirical pieces. Like the *mimi* of antiquity, they wandered from place to place, and from one country to another, singly or in companies, exhibiting wherever an audience could be assembled. They frequented fairs and the great festivals of the Church, and were welcomed in baronial halls and at weddings and social festivities, where, by their songs, gossip, stories, mimicry, dancing, legerdemain, and other performances, they furnished a rude kind of mirth. The modern word "juggler" expresses what came to be one of their principal accomplishments. Such of their songs and tales as have been preserved furnish minute particulars of the life of the time. Its vices, weaknesses, and foibles, especially those of the clergy and nobles, are mercilessly satirized; though the performers sometimes paid dearly for their rough jests and pointed

personalities. The jongleurs gave place to the minstrels, of whom mention is continually made in works of this period. Four hundred and twenty-six are said to have been present at the marriage of one of the nine daughters of Edward I. Various musical instruments are mentioned; including the harp, pipe, violin, tabor, cymbals, and trumpet. The Feast of Fools, enacted by the populace at Christmas, resembled the Roman Saturnalia. It was a season of universal revelry and license, when all order, reverence, and authority were set aside. The churl became a Pope, the buffoon a Cardinal, and other high dignitaries, both sacred and secular, were travestied. In this wild merriment, possession was taken of churches, and coarse and ribald parodies were indulged; though not to the same extent as on the Continent.

Out of this sprang the Dance of Fools, the Abbots of Unreason, and the Lords of Misrule, with the ridiculous and almost blasphemous farce of the Boy Bishop. The religious dramas known as Mysteries, and the Miracle Plays that followed them, were intended to be substitutes for representations from heathen mythology. They were Interludes, at certain times, in the regular Church services. The Mysteries were so called from the sacred character of the subjects, selected from the narratives of Scripture. Sometimes they were presented in a long series stretching from the Creation to the Day of Judgment, and occupying several days in the representation. They are supposed to have been introduced into England by pilgrims who had returned from the Holy Land. The Miracle Plays were written and acted by the clergy, and were performed in or near to sacred edifices. They were devoted to the legendary lives of saints. These religious dramas, in which the supernatural largely mingled with coarse jests and satires, usually with a marked tinge of local colouring, continued to be highly popular for a lengthened period. Most trade guilds had special performances. The chief comic actor in them was often a representative of Beelzebub, assisted by an active, noisy, merry troupe of subordinate demons, who aroused much laughter by their grotesque antics and vulgar ribaldry. The only modern survival of the ancient Mysteries is the Passion-Play still performed

every decade at Ober-Ammergau. Sunday was the chief day of the week for marriages and feasts, for revels in the taverns and carousals in the baronial hall, for pageants in Courts and dramatic performances in churches, for fairs in country towns, and sports on village greens.

It is sometimes conjectured, from the size of old churches in rural districts, away from any town or large village, that the population, now so sparse, must have been much greater five or six hundred years ago. Of this there is no proof. All the evidence tends to the contrary. The explanation lies in the varied uses to which such edifices were put, and in the elaborate and lengthy processions that formed so important a part of the ritual. The chancel alone was rigidly reserved for ecclesiastical celebrations and for priestly use. The body of the church, separated from the chancel by the rood-loft and screens, was the place of common resort. It was the public hall or forum for the people of the parish: and was used as much for secular as for sacred purposes. Ecclesiastical and civil justice was there dispensed; a modern survival of the former being the Commissary Court of Surrey, in St. Saviour's, Southwark, and the quaint but perfunctory legal procedure in St. Mary-le-Bow, Cheapside, in connection with appointments to bishopries. The name of the Court of Arches is derived from the construction of that church, where the Court was originally held. Ordinary business was transacted; the procedure of manorial courts was conducted; proclamations were made; Charters and ordinances were explained; fairs and markets were sometimes held; gossip was carried on; church-ales were held for the repair of the fabrics; spectacles were witnessed; and valuables and produce stored in churches; which were treated with strangely mixed feelings of reverence and familiarity. No idea then prevailed that a church was desecrated by transacting the business of life. To steal goods there deposited was sacrilege, as well as robbery. Down to the seventeenth century, St. Paul's Cathedral was partly used by stall-keepers for purposes of trade. In one portion, lawyers awaited interviews with chance clients. These buildings also formed refuges from violence in a rude and lawless age. Occasional outrages

and breaking into sanctuary only reveal the prevailing sentiment. The tower was a landmark and a castle in exposed places near the sea; furnishing protection from roving pirates.

The thirteenth century witnessed a great development in church architecture. Many of the cathedrals already existing were enlarged or beautified at great cost. No fewer than one hundred and thirty-nine abbeys, priories, and other great religious edifices were erected and endowed from Henry III. to Edward II., in addition to numerous parish churches and chantries. This was thought to be a sure means of atoning for past sins, however heinous, and thus securing the Divine favour. The style of architecture is that vaguely known as Early English. The windows are long and narrow; the arches pointed: the steeples and spires lofty, and of fine proportions. The choir of Rochester cathedral, the west fronts of Peterborough and of Wells, and great portions of Worcester and Salisbury cathedrals, with numerous local churches, are good specimens of this Order. It was followed in the fourteenth century by what is commonly styled Decorated Gothic, which arose so gradually out of the preceding, and merged so gradually into the one that followed, known as the Perpendicular, that it is difficult to assign the precise duration. Existing structures display mixed varieties, as additions and alterations were made from time to time. The cathedrals of Ely and Lichfield, with York Minster and portions of Windsor Castle, and many of the Lincolnshire churches, are beautiful types of the Decorated Period. There was a growing taste for the Fine Arts. Among the entries in the Close Rolls are frequent orders for payments to goldsmiths and painters, for decorating the royal palaces. Brilliantly illuminated manuscripts were multiplied. They were much sought after by wealthy persons, and were liberally paid for. Edward III. bought, in 1331, a book of French romances, for which he gave the large sum of sixty-six pounds, thirteen shillings, and fourpence; or more than a thousand pounds in modern money. This book was kept in his own room with much care.

Ordinary dwellings continued to be constructed mainly

of timber, unless great strength was required, or where the ostentation of some wealthy noble prompted display. When built of stone, the object was as much for defence as for occupation. Little attention was paid to domestic comfort and convenience. Windows were usually unglazed; and continued so for a long period. They were latticed, or fitted with panes of horn, or they consisted of small apertures covered by a curtain by day and by a hinged shutter at night. Great ecclesiastical edifices, where cost was immaterial, owing to the lavish piety of devotees, had their "storied windows, richly dight, casting a dim religious light." A precept of Henry III. directs glass to be substituted for wood in a window in the Queen's wardrobe in the Tower, "in order that the chamber might not be so windy." The custom was for the labour to be hired by the person who wanted a building, or furniture, or a work of art, or any other kind of commodities, and to provide all necessary materials. A wealthy lord or abbot would furnish stone from his quarries, timber from his forests, metals, cloth, and any other materials that he produced or bought. Out of these, the requisite articles were made, or the edifices were reared, by the artificers. The smith, the carpenter, the mason, the wheelwright, the carver, and other workmen only supplied labour and skill in the fabrication of what was demanded. They were paid by the piece or by the day; the wages for the latter being threepence on an average, but rising to fourpence, and even fivepence, for exceptional work, or in large towns. Skilled artisans devoted themselves to field work during harvest time. The hovels of the peasantry were made of coarse and cheap materials, most frequently of wattles daubed with mud or clay, and roofed with turf or thatched. Tenements of this mean and fragile description, in which the poorer dependents lived, were in close proximity to manor-houses and baronial halls. There must have been among them a terrible amount of misery, disease, and suffering during a mediæval Winter, spent in dark, damp, chilly huts, where the floor was of earth, and where the only vent for the smoke from the wood fire, or for the reek from the peat fuel, was through a hole in the roof. The occupants, at the close of their day's toil, crouched around the fire, or grovelled

in the warm ashes, after their coarse evening meal. Going to bed meant flinging themselves in their begrimed garments on a heap of straw. It was a hard, cheerless, dismal lot.

CHAPTER XX.

AGRICULTURE, TRAVELLING, ETC., IN THE MIDDLE AGES.

With the modifications in personal service to the feudal lords great changes had been effected in methods of agriculture. The King, the great nobles, prelates and abbots, monasteries, and other ecclesiastical corporations, had manors scattered up and down the country; often widely separated. The portion of each retained in the demesne was worked under the direction of a resident bailiff, who saw that the obligations of the villeins and tenants were duly discharged; that sufficient labour was forthcoming; that the crops and stock were cared for and were profitably sold; and who accounted for all on the periodical visits of the steward. The rent of farm-land greatly varied in the fourteenth century, when a system of leases became common; calling into existence a class of tenants between the lords of the soil and their serfs. The process of this change cannot be traced, but the fact is obvious, and it amounted to a rural revolution. In 1338, arable land in Dorset, Derby, Bedford, and other counties, belonging to the Knights Hospitallers of St. John, let for prices ranging from sixpence to two shillings an acre. Meadow-land was of much higher value. On the same estates, in the same year, the average price of wheat was 2s. 10½d. per quarter; of oats, 1s. 2d.; of peas and beans, 1s. 8d.; and of barley, 2s. 1½d. The prices of other articles of food in good years were as follows:—a live ox, 16s., or, if fatted on corn, 24s.; a good fatted cow, 12s.; a two-year old hog, 3s. 4d.; a sheep with the fleece, 1s. 8d.; if shorn, sixpence less. A fatted goose cost threepence; a hen, three half-pence; and three pigeons, one penny. A labourer's wages were three half-pence a day. But a shilling would purchase of most necessary commodities as much as fifteen shillings would now

The average weight of a sheep was only sixty to seventy pounds. Its wool was one-seventh, or even less, of the modern yield. An ox weighed about four hundred pounds. Horses were small and weak, excepting those employed in warfare. Oxen were used for draught as well as for ploughing. Murrain among cattle, and rot and scab among sheep, were fatal diseases. The latter, first mentioned about 1380, was treated with an ointment of tar and butter, or lard. Sheep had to be kept under cover from November to April. The use of roots for feed was unknown. English husbandry appears to have undergone but slight changes for a lengthened period after the thirteenth century. Descriptions by Walter de Henley, who wrote in the early part of that era, are continued and expanded by Fitzherbert in the first quarter of the sixteenth century. A three-course system prevailed; the land being divided into three equal portions. Wheat was followed by oats, barley, pease, beans, or vetches, and occasionally by hemp or linseed, and the third year was fallow. For a crop of wheat, the land was ploughed — or, rather, scratched—thrice, with teams of four or more oxen, at a cost of sixpence an acre. After sowing the seed broadcast, there was no harrowing or rolling. Hoeing cost a penny an acre, and a second hoeing a halfpenny; mowing, twopence halfpenny; reaping, fivepence; and cartage a penny. The crop was cut high on the stalk, and the long straw left for thatching or litter, or to be ploughed in as manure. Farmers depended upon arable crops, meadow hay, and pasturage. Artificial grasses were unknown. Implements were rude and primitive. The dearness of iron compelled the use of hard wood. Wet land was drained and ridged. Light and poor soils were treated with marl and clay, and heavy land with lime.

The depopulation by repeated outbreaks of the pestilence, or the Black Death, between 1348 and 1369, as described in the twenty-second Chapter, permanently reduced the value of land for ordinary agricultural purposes. There were considerable fluctuations during the next fifty years, and throughout the ensuing century it remained at its lowest ebb. Not until the beginning of the sixteenth century was there any improvement. There

were not hands enough, whether bond or free, to till the cultivated land, even in the imperfect manner in which it had been tilled formerly. Therefore, the owners laid down large portions in pasture, and grew wool instead of corn. Vast tracts were enclosed by hedges for great flocks of sheep. Such peasants as remained were ejected from their miserable huts. Villages fell into decay, because hundreds of acres, hitherto fertile, were watched by a few shepherds and their dogs. An Act of 1489 recites that "in some places, where two hundred persons used to live by their lawful labour, now, only two or three herdsmen are needed, and the rest fall into idleness." The further conversion of arable land into pasture was therefore prohibited; but there were frequent complaints of the practice until the time of Edward VI. To this Bacon refers in his Sixteenth Essay:—"Money is like muck; no good except it be spread. This is done chiefly by suppressing, or, at the least, keeping a straight hand upon the devouring trades of usury, ingrossing, great pasturages, and the like."

Mention is made in existing accounts of payments for destroying rats and moles. Stoats, wolves, and foxes committed great depredations. The dense woods and forests, and the vast tracts of common heath land, furnished harbour for swarms of rabbits, hares, pheasants, and other game. The rate of produce varied greatly, but the average yield was only one-fourth of that of the present day. Absolute failure of crops was rare. The only famine year mentioned between the two great and terrible dearths of 1316 and 1527 is in 1438, when wheat was 14s. 7½d. a quarter; or five times the average price. Extracts given by Professor Thorold Rogers, in his exhaustive 'History of Agriculture and Prices,' taken from the muniments of Merton College, Oxford, show the field-produce in 1333–1336 of lands belonging to that foundation. Wheat sown at Maldon returned only four times its own quantity; at Leatherhead, less than three times; at Gamlingay, a little more than twice; at Cuxham, six and a half times; at Holywell, nearly eight times; and at Basingstoke, three times the quantities sown. Generally speaking, only one quarter an acre was reaped, and sometimes less. A similar disproportion

appears with barley, oats, rye, beans, and pease. After harvest, pigs and geese were turned into the stubble. Pigs were the common scavengers of the villages. Every peasant seems to have had one, at the least, in his sty, or fattening upon acorns and beech nuts in the woods. Poultry keeping was universal. Fowls and eggs were a kind of currency for paying dues. Mills were usually owned by lords of manors, and were worked either by water or wind. On most manors, the sole right of grinding corn, and sometimes also the right of making malt, was vested in the lord. This continued to be the case for centuries. The mill machinery, though simple, was expensive; too much so for a private freeholder to incur. The average price of a millstone in 1320 was twelve shillings and sixpence, and in 1360, fifteen and fivepence. In the same year, foreign stones, which were deemed to be of superior make and longer wear, cost forty-four and fifty-six shillings respectively. Weights and measures were regulated by standard models; jealously guarded under seal by the local authorities.

The maintenance of roads and bridges was one of those general charges which weighed, like military service, on the landowners. In theory, they watched over the condition of the highways, in return for certain dues and tolls. In practice, their tenants executed the repairs. The religious houses, by virtue of their landed proprietorship, had to undertake their share of this public duty. No trace has been found in England of Bridge-Friars, or ecclesiastical fraternities for that special purpose, such as existed on the Continent; but the work of constructing highways and bridges, and keeping them in repair, was deemed pious and meritorious, like the sinking of a well or the opening of a fountain in Oriental countries. Indulgences were sometimes granted to those who rendered pecuniary help or bodily labour for such purposes. Lay brotherhoods existed for this object; like the Guild of the Holy Cross, founded in the time of Richard II. Land was often bestowed on abbeys and nunneries on condition of adjacent roads and bridges being kept in order. Chantries were found on certain bridges, like London, Bow, Rotherham, St. Ives, Bradford-on-Avon, and Wakefield; and the first-named

bridge was famous for generations for its shops. In other instances, bridges were built by private persons under a royal charter, with power to levy tolls, not only on passengers, vehicles, and animals, but on all commodities. When the tolls were honestly applied, they not only sufficed to maintain the structure, but they yielded large profits to the owner. The corresponding obligation was not always discharged by the recipient of the money. Henry III. granted to his wife the farm of the revenues of London Bridge. She appropriated without scruple the whole of the receipts, but allowed the bridge to fall into decay, and it had to be renovated by public subscription, and then by a tax, or kind of octroi, on goods brought into the City.

Numerous cases are on record of inquisitions held and of law proceedings in the fourteenth century to determine who was liable for expenses of the kind; both for bridges and roads. The latter, excepting where they followed the course of the Roman roads, or where they had been constructed with proper care in the neighbourhood of important places, were frequently mere tracks, with no solid bed or efficient drainage, and liable to be almost obliterated by heavy rains. Under the best circumstances passengers were smothered in dust. Under the worst, they were bespattered with mud, if they succeeded in forcing their way; which was not always the case. The meeting of the Parliament of 1339 was delayed, because so few of the members could reach Westminster in time, owing to the bad roads during a storm. The road out of London to Dover had the most traffic. Dover was still the principal seaport for the Continent, and the King derived a large sum yearly from tolls levied on all persons arriving or departing. Communication between distant parts of the country was slow, difficult, and expensive. Ordinary persons did as they best could; waiting and watching for convenient and safe opportunities. The wealthy had couriers and messengers. The King usually had several in attendance, ready to start at a moment's notice. The Household and Wardrobe Ordinances of Edward II., for 1323, contain entries of threepence a day paid to twelve messengers on the road, and of four shillings and eightpence a year

to buy shoes. They were employed to carry letters to France, Scotland, and other countries; to summon the nobles and prelates to Great Councils; to deliver Proclamations to the sheriffs, and to perform miscellaneous functions when publicity was needful. In 1378, the Commons remonstrated against the large expenses incurred in this way, which they thought should be borne by the King himself. Strange packages were occasionally carried, as in 1378, when Edward III. paid not less than twenty pounds for transporting to various towns the dismembered limbs of a knight who had been executed for treason. The royal messengers had special privileges and immunities. To detain or interfere with them was penal. Swiftness was specially rewarded, and it was the custom to make presents to such as brought good tidings, as in ancient times. With the growth of trade and the increase of traffic, measures were taken to clear the roads leading to great cities of the banditti and footpads who infested them; one plan being to order a space of two hundred feet on each side to be kept open, so as to afford no cover.

Country carts were heavy and cumbrous boxes on massive wheels, without springs. They were made to resist the holes and ruts so continually met with. The average price of a hired cart was a penny per ton per mile. For light goods and perishable articles, pack-horses were largely used, and continued to be so for centuries. Now and then, what was described as a "great carriage" groaned and creaked along with the ladies and children of a wealthy family; but it was really a tilted van, of rough construction, devoid of springs, furnished with such things as the taste and means of the owners devised. Horse litters were sometimes used by ladies of rank. These contrivances were furnished with shafts before and behind, and in each set a horse was harnessed. But riding on horseback was the usual method of travelling with persons of any position. Ladies, as well as men, rode astride. The side-saddle was not in common use even at the close of the fourteenth century. Anne of Bohemia, Queen of Richard II., is credited with its introduction. England was not celebrated for its native breed of horses, even after the

care taken by the Cistercians. Those most prized were imported from the Continent. The ordinary value ranged from one to ten pounds. A white horse was most esteemed; next to that, a dapple grey or a chestnut. To be a skilful rider was a high accomplishment; and another was to be able to vault into the saddle without touching the stirrup. Travelling was attended with many inconveniences, and was often dangerous as well as difficult. Traders could not venture through England with their merchandize, unless attended by a large armed escort. Persons formed themselves into caravans for mutual protection when about to undertake a long journey, or to cross a forest or a heath. The perils were greater to that numerous class who had to travel on foot, and who could not always ensure reaching a place where lodgings might be found. Not only were there dangers from bandits and outlaws, but knights, landed gentry, and noblemen connived at their dependants practising highway robbery; and shared in the plunder. They also levied black-mail on all who crossed bridges or fords in the vicinity of their castles, like the robber barons on the Rhine. On the slightest pretext, the traveller was stripped of his property, or thrust into a dungeon until the exactions of these titled brigands were complied with.

Many monasteries held large estates subject to the duty of entertaining wayfarers, or giving doles at the gates every day. A satire of the time tells of a miserly and inhospitable abbot who appointed like-minded persons to offices under him; especially to the charge of the guest house. Only the very poor or the rich were thus entertained in religious houses. For the former, separate provision was usually made outside, where they were sheltered and fed for charity. The latter were admitted within the monastery, and were sumptuously entertained, for a consideration. Persons of their own rank also welcomed travellers as guests. The common inns, few in number, and poor in accommodation, were not good enough for such, but found their customers among travelling merchants and packmen. Complaints were common of the "great and outrageous cost of victuals, kept up in all the realm by inn-keepers and

other retailers, to the great detriment of people travelling across the realm." Statutes intended to remedy the evil were passed in 1350, in 1354, and at other times. These places often had an unsavoury reputation. The 'Vision of Piers Ploughman' gives a picture, in the style of Rabelais, of the disorderly scenes that took place. London and all the large towns swarmed with thieves and other bad characters. Now and then, a raid was made upon them, and a score or two swung on gibbets; but for the most part they defied the community. Not until 1494 were justices of the peace entrusted with a rudimentary power to license and to suppress ale-houses. These functionaries were first appointed by the Crown, under a Statute of 1327; in succession to the ancient conservators chosen by the freeholders in each county.

The legal and judicial reforms begun in the time of Henry II. had not accomplished all that was necessary. Other reforms attempted under Edward I., as indicated in the sixteenth chapter, were not undertaken before they were urgently required. Nor was the object at once achieved. As in ancient days, men commonly did what seemed right in their own eyes. Among the upper classes, instances of lawlessness, private feuds, encroachments upon neighbours' lands, violent seizures of their cattle, cutting down their timber, and similar acts of rapacity, virtually amounting to highway robbery and burglary, were far from uncommon. The sanctity of churches was not infrequently invaded. Disputes, brawls, and personal violence in such buildings are continually mentioned. The cathedrals and abbeys were not exempt from factions and quarrels. Some were ludicrous; as when the precentor of York Minster, on a public occasion of solemn ceremony, stopped the music to spite the treasurer, who then ordered the wax lights to be extinguished, to revenge himself on the precentor. Sometimes the disputes were serious; as in 1327, when an alderman of London attacked a foreign prebendary in St. Paul's, dragging him from his seat and breaking his pate. Repeated instances occur of sacred edifices being temporarily closed for re-consecration, because of bloodshed and murder perpetrated within their precincts. The right of sanctuary was often violated, although

heavy penalties attached to this, besides spiritual censures and penances. The example thus set was diligently copied—it could not be improved upon—by persons beneath these offenders in the social scale. The strong arm generally prevailed. Redress for grievances, real or imaginary, was promptly taken; often with usury. Fights, riots, plunder, and incendiarism continually occurred. Sometimes, these were suppressed, and the perpetrators were punished. More frequently, they escaped, or no notice was taken. Existing records give long catalogues of brutal crimes and of equally brutal punishments that are simply horrible; while for common offences and slight misconduct the sentences were usually merciless in their severity.

The ordinary state of things may be judged of from a complaint made in 1342 by some Lichfield merchants to their lord; the Earl of Arundel. They had sent to Stafford market two servants and two horses laden with spicery and mercery. At Cannock Wood they were met by a knight and two squires, who seized them, and took them to a neighbouring priory, where several other knights were waiting by arrangement. These shared the plunder with the captors, and all rode on to another priory, but were refused admittance. They broke into the barns, obtained provender for their horses, and prepared to stay the night. One of the two servants managed to escape back to Lichfield, and gave notice to the bailiff, who assembled his men for the pursuit of the robbers. When they were met, a fight occurred; four of them were killed, and the stolen goods recovered. On his way back, the bailiff and his party were again assailed, and once more the property changed hands. The merchants, on hearing what had been done, sought for justice; but, on going for this purpose to Stafford, they found at the city gates some retainers of the robber-knights, who not only obstructed the passage, but grievously maltreated them. So they had to return to Lichfield without redress, and they laid the whole matter before the Earl of Arundel; with what result History does not record. Nor is this by any means a solitary example. Numerous complaints were addressed to the King by private persons as to acts of violence,

and robbery, and extortion of which they were the victims; nor was the scandal abated so long as the baronial power continued, with the hordes of retainers wearing the livery of particular lords, and ready for any raid that promised excitement and plunder.

The innocent did not always escape. Cities and large towns were surrounded by walls, and the gates were rigorously closed at sunset. When prowlers, footpads, thieves, and other bad characters were numerous, it was enough to be a stranger in the district, especially at night, to be sent to gaol on suspicion, under some such Statute as that of Edward III. in 1332. So comprehensive were its terms that the power to arrest under it was almost illimitable. Whoever suspected a stranger, passing by night, of a crime, or of associating with criminals, might have him arrested. He was kept in prison until the next gaol delivery, which might not occur for several months, unless he could justify himself and prove his lawful occupation. (Even now, in the United States, any one maliciously accused of a civil or a criminal offence, has to give heavy bail to stand his trial, or go to prison.) If he resisted, or ran away, a hue and cry was raised from street to street and from town to town, and he was almost certain to be stopped, or to fall by exhaustion. All the people had an interest or found a pleasure in the chase, as they would in the pursuit of a rabid dog, or in watching a cock-fight or a bear-baiting. Times were hard, and manners rough. The fact of being unknown and solitary was sufficient to arouse suspicion, which soon deepened into antipathy. False charges were sometimes trumped up. In 1330, the wife of Henry of Upatherle, in Gloucestershire, set forth in a petition to Edward III. that her husband had been made prisoner during one of the Scottish wars, and remained captive more than a year. While away, two neighbours seized on his fields; divided them; and removed his property. When the owner effected his ransom, and returned, one of the men raised a false charge that he had robbed him of one hundred pounds' worth of chattels. On this unfounded charge he was imprisoned in Gloucester Castle for a long time, waiting the assizes. He recovered his liberty, and commenced

proceedings against his oppressors. They "beat the said Henry in the town of Gloucester; that is, they bruised his two arms, both his thighs, and both his legs, and his head," with other violent acts. This is significant of the manners of the time, and incidentally reveals the legal position of women. The reply to the petition was that the wife had no remedy.

A spirit of vengeance predominated in the punishments of the Middle Ages. Law was vindictive, and sentences were revolting. Savage ferocity in criminals met with savage retaliation, which, instead of deterring, instigated wrong-doers to greater atrocities. Imprisonment pending trial was harsh and brutal, as it continued to be for centuries. Nor is the reproach yet wholly removed. The dungeons into which accused persons were thrust were damp, dark, and filthy. It was not mere detention, to prevent escape, but inhuman incarceration, under conditions of peculiar hardship and suffering, of persons not proved guilty, who were secluded for months. Such rough treatment spared many a public trial; for there was a constant gaol-delivery by epidemics and starvation. The gallows, the stocks, and the pillory, never far from the baronial doors, were seldom without miserable occupants. The ghastly recurrence of capital punishment tended to make people callous. Hanging went on at a pace and to an extent that are now inconceivable. The criminal law was an awful and tremendous piece of mechanism for the condemnation and execution of all who were held dangerous to persons, and, still more, to property. Thieving was deemed worse than a bodily assault; as is yet the case. Such treatment led to human life being held in low estimation. This lasted down to recent times, for there were incessant additions to the Statutes by which numerous petty crimes were made felonies, until, at length, more than two hundred offences were punishable with death. The pillory was the punishment for fraud, false measures, adulteration, cheating, slander, scolding, selling putrid fish, and numerous other offences; the rough pelting by the mob often proving fatal.

As Might and Right were synonymous terms, each

man sought to strengthen himself by finding powerful foster-fathers and patrons for his sons. They took an honourable kind of service in families of higher rank or greater wealth, where it was supposed the manners and accomplishments of gentlemen were to be learned in perfection. These young squires and pages served at table, and performed what would now be called menial offices to the lord and ladies of the household. They took part in all the amusements and recreations, and were instructed in what were then deemed to be gentlemanly manners and accomplishments. This was a kind of apprenticeship introductory to knighthood. Daughters served under ladies of rank, who prided themselves on having a number of these bower-maidens. They were not only a means of ostentatious display, but they were profitable. Besides attending on the personal wants of their mistresses, they were employed in cooking, spinning, weaving, millinery, embroidery, and similar labours, requisite for furnishing the large number of persons who depended upon their lord for "liveries." This system prevailed as early as the time of Henry II., and probably before. Private tutors were chosen from among the clergy, to give perfunctory instruction to children of noble families at home, and there were schools connected with cathedrals. Many of the old ecclesiastical foundations had been partly designed for purposes of education; and, in particular, to train children for the priesthood. Then the monasteries entered into rivalry, in this as in other matters. The instruction given in both had the impress peculiar to them. What was termed "profane learning" was subordinated to the teaching of the Fathers, to the mysticism of the age, to the lives of Saints, and to alleged miracles; faith in which was so widely prevalent.

The name of William of Wykeham (1324–1404), Bishop of the diocese, with his famous motto, "Manners makyth manne," is honourably associated with the revival and the extension of educational work. He loved learning; was a munificent patron of the arts, took a special interest in architecture, supervised the rebuilding of Windsor Castle for Edward III., and, at his own cost, restored Winchester Cathedral; a work

that occupied ten years. He was Lord Chancellor, and filled other high offices. He applied himself with zeal and diligence to the reformation of abuses in the monasteries and religious houses throughout his large diocese. He rescued the ancient Hospital of St. Cross, founded in 1132 by Bishop Henry de Blois, from the neglect and waste into which it had fallen; but it subsequently became the prey of other spoilers, and one of the most scandalous instances of clerical rapacity and malversation. He commenced a school or college of his own in Winchester in 1373, "for the honour of God and increase of his worship, for the support and exaltation of the Christian faith, and for the improvement of the liberal arts and sciences." Twenty years later, the buildings erected by him in his episcopal city were opened for the use of a warden, two masters, and seventy scholars. Eton was not founded until 1440 by Henry VI. The primary intention was to train clerics, with a view to replenish the supply of regular clergy, and thus strengthen the anti-monastic element. Provision was also made for a number of "commoners," who were to receive the same teaching, but with a view to occupations outside the Church. This was the beginning of the public school system of England; although, as stated above, there were earlier educational institutions connected with cathedrals, monasteries, and chantries. Wykeham's two-fold foundation had the great advantage of starting with munificent support. He endowed it partly by being allowed by the Pope to suppress certain monasteries, with what was then the great income of one thousand pounds a year, and he established a close alliance between it and his other munificent foundation of New College at Oxford. By the year 1400, seventy-eight colleges and one hundred and ninety-two hospitals had been founded. The following century added sixty schools and charitable foundations, including the munificent endowments of Waynflete, Bishop of Winchester and Lord Chancellor (d. 1486); as against no more than eight religious houses. Like too many of the old educational and charitable foundations, Wykeham's decayed through waste and mismanagement; and it has been rescued only in recent times, and restored to public use.

Universities, in the proper sense of the term, date from the twelfth century, although some had existed for a long period in an inchoate form, under the name of Schools. Primarily a University is only an association for the promotion of learning. The scholars came first, and the material fabric rose afterwards. Oxford and Cambridge were famous as seats of learning before the first-named was recognised in the time of Richard I. as an establishment of the same rank as the University of Paris. The learning there acquired by some of the most distinguished prelates and higher clergy, led to attempts being made to furnish similar appliances for instruction in England. Archbishops Baldwin (d. 1190) and Hubert (d. 1205) are honourably remembered for their attempts to establish at Lambeth a centre of ecclesiastical learning and dignity; free from monastic restrictions. Archbishop Theobald (1139–1161) supported with munificence a school of literature in the same place. He provided learned teachers; and when the pupils were sufficiently advanced, sent them at his own charges to Paris or Bologna. Other prelates rendered a like service. Edmund Rich, of Abingdon, afterwards Archbishop of Canterbury, deserves special mention for his work at Oxford. It was he who introduced Roger Bacon to the study of Aristotle. Bishop Grosseteste and Archbishop Bradwardine also rendered signal service to the cause of education. The fact of Oxford being an occasional royal residence may have helped to fix the University there: but, as Freeman remarks, it "has no foundation, and no founder. It grew up from a seed cast at random" Increasing zeal for the learning of the times led to the founding and endowment of the colleges whose names are so familiar.

The earliest of these, at Oxford, was established in 1270 by Walter de Merton, the Chancellor; being removed from his Surrey birthplace. He expressly stipulated that all benefits of his endowment should be forfeited if the fellows entered any religious order; so intense was his dislike and dread of monastic appropriations. Exeter was founded in 1314; Oriel, in 1326; Queen's, in 1340; New, in 1386; and Lincoln, All Souls, and Magdalen in the next century. University and Balliol, which now rank as the oldest, were halls supported by

endowments for the maintenance of students. From an early period it was their practice to live in common in halls or hostels, under the charge of a tutor. Cambridge had no fewer than thirty-four such halls in 1280. Its earliest college, Peterhouse, was founded in 1257, or, according to some, in 1284, by Hugh de Balsham, Bishop of Ely; the next, Clare, originally a hall, by the Countess of Clare, in 1326; Pembroke, in 1347, by the widow of Aymer de Valence, Earl of Pembroke; Gonville, in 1348, to which was added Caius in 1558. Michael House, established by Hervey de Stanton in 1324, and King's Hall, by Edward III. in 1332, were absorbed into Trinity College by Henry VIII. in 1546. Trinity Hall, the creation of William Bateman, Bishop of Norwich, dates back to 1350. Corpus Christi, or Benedict, was consolidated two years later. Henry VI. has left himself an imperishable monument in King's College, 1441, and his wife, Margaret, commenced Queen's. The Lady Margaret, Countess of Richmond and Derby, mother of Henry VII., founded both Christ's and St. John's in the first decade of the sixteenth century, and also the Divinity Professorships that still bear her name.

In process of time both Universities acquired a semi-monastic character, and were treated, first, as private preserves for ecclesiastics, and then, as exclusive seminaries for nominal adherents of the Established Church. The tutorial system within the colleges was almost entirely substituted for instruction by the University professors; who, for two centuries prior to 1852, when a Royal Commission was appointed to inquire and report, had for the most part nominal duties, and very little to do with academical education or discipline. During the last forty years, great changes and improvements have been effected, with a view to restore the national character of the Universities, and to utilize their vast pecuniary and literary wealth. The statement of some old writers, that Oxford had thirty thousand students in the fourteenth century, is now exploded. It is one of the vague and improbable generalities so commonly met with. Lyte puts the number at four thousand, and Brodrick at from two to three thousand; either of which is more probable. The need for general education was not then felt.

Readers were few ; and fewer still could write. Some of the old grammar schools, however, belong to the thirteenth century, when prosperous merchants, settled in London and elsewhere, thus remembered their native places, or when the merchant guilds, by whom some of these schools were established, began to assume greater importance with growing wealth. The schools were usually intended for the benefit of all the youth of the town, but were often combined with an ecclesiastical foundation for saying Masses for the repose of the souls of the founders. They were afterwards brought, by a technical construction, within the category of "superstitious uses," and most of them were dissolved and the property alienated and stolen at the Reformation.

The period of National Formation thus described, paved the way for a further period of Development.

Period IV.—DEVELOPMENT.

A.D. 1327–1399.

CHAPTER.

21.—England or France Predominant.

22.—The Black Death and the Statutes of Labourers.

23.—The Protective Spirit and Sumptuary Laws.

24.—Rising Power of Parliament.

25.—"The Morning Star of the Reformation."

26.—The English Language.

27.—The Peasants' Rising, and Social Upheavals.

CHAPTER XXI.

ENGLAND OR FRANCE PREDOMINANT.

A.D. 1327–1373.

After the deposition, but before the murder of Edward II., his son was proclaimed as Edward III. (b. 1312, r. 1327–1377). A Parliament was convened at Westminster on March 7, 1327. Statutes were passed to secure, amongst other things, a Confirmation of the Great Charter of Liberties, of the Charters of Forests, and the franchises and customs of cities, towns, and boroughs; and for redressing grievances complained of in matters of taxation, alleged trespass, bishops' temporalities, military service, and the administration of justice. A Council of Regency was formed; the King being only fifteen years of age. The administrative power was seized upon by the Queen Mother's paramour, Mortimer, who had acquired most of the confiscated wealth of the Despensers. Within three years he underwent a like fate; the result of Court intrigues, and of jealousy among the barons. Another struggle occurred with Scotland; ending in a treaty by which all claims to supremacy were renounced on the part of the monarchs of England. Edward's eldest sister was betrothed to the son of Robert Bruce, who, in consideration of this treaty, was to pay to England thirty thousand marks. Bruce died in 1329, and his son and successor, David, brother-in-law to Edward, after some trouble with his phantom rival, Edward Baliol, was bribed by France to attempt a diversion in the North of England in 1346. He was defeated and captured, and remained a prisoner in the Tower of London for eleven years. On his death, the line of Stewart, or Stuart, succeeded, through marriage with his only daughter; a line scarcely without parallel for disaster, wretchedness, disgrace, falsehood, and crime. It is a pitiful record; culminating in the expulsion of James II. from the English throne in 1688.

Edward III., at the age of eighteen, successfully asserted his authority, and began to rule as well as to reign. He fully emancipated himself from his mother; one of the

domineering and masterful species of women. She remained in honourable captivity for nearly thirty years at Castle Rising, until her death in 1358. He soon became embroiled in a dispute springing out of his claim to the throne of France; prosecuted, at intervals, during the whole of his reign of fifty years, and continued fitfully for seventy-five years longer by his successors, until, at length, the possessions held or acquired since Norman times—though most of them had been wrested by Philip II. of France from the hands of John—were wholly lost. For such of those possessions as remained in the wide region known as Aquitaine, Edward III. had rendered homage, while yet a prince, to his uncle, Charles IV. of France, as his predecessors had done. In 1328, and the second year of his reign, he was required by the new King, Philip VI., or de Valois, to appear in the French Court and repeat the unwelcome feudal service. He complied, as a matter of policy; but what he then saw gave fixedness in after years to an idea of setting up for himself a claim to the throne of France. Not until 1339 could he attempt this; but diligent preparations were made in the meantime for a conflict that became as relentless as the Punic Wars between Rome and Carthage. The somewhat hollow plea set up was through his mother, Isabella, daughter of Philip IV. of France, commonly styled the Fair. His three sons, who reigned in succession between 1314 and 1328, left daughters only. By the Salic law, they could not succeed to the throne. It was claimed by Philip, son of Charles de Valois, and nephew of Philip IV., but was contested by Edward III., under the pretext that though females might not inherit, they could transmit the succession, and that he was in the nearest line.

The cause was debated before an assembly of the Estates of France, which decided against Edward. Probably his claim would have lain dormant, but from a desire to save from French control the great Flemish cities trading with England, and but for disputes that arose with Philip over Scottish affairs. It was alleged that he perpetually interfered against England, and supplied the Scots with men, money, and ships. This was the proximate cause of the prolonged, bitter, costly,

and useless struggle that ensued. Edward assumed the title of King of France, and quartered its arms with those of England on his seal and ensign, which made the quarrel irreconcileable. Urgent appeals to Parliament for Aids were liberally met, care being taken to avow that no obedience was due to him as monarch of France, and that the two kingdoms must for ever remain distinct. Happily for the future of this country, the final result was the establishment of insular independence. The occasion of granting the Aids was also seized upon to stipulate for the removal of certain grounds of complaint in the administration. These points being conceded, and a proviso added that no precedent was established for future Aids, which were to be granted only with the full assent of Parliament, that body entered as warmly and as improvidently into the French dispute as Edward himself. The national vanity was aroused; as has been the case so often in wars of aggression and conquest. The alliance of various Continental princes was secured; partly by money—anticipating the system of subsidies that was perfected by Pitt—and partly by working on their fears of annexation by France. Mercenary soldiers were hired from the vagrant fighting men of Europe; but reliance was chiefly placed upon the English freeholders, who served for wages, as well as from duty to the lords who led them. Common pikemen were paid twopence per day; archers, sixpence; mounted esquires, a shilling; knights, two shillings; barons, four shillings; and earls, six and eightpence.

The first attempt, in the Autumn of 1339, proved futile. Both armies watched each other, but neither wished to commence the offensive, and Edward withdrew into Flanders. In the following June, the famous sea Battle of Sluys was fought, ending in the total discomfiture of the French fleet; the first of a long roll of naval victories for England. Great attention had been paid to her naval force for a lengthened period, owing to the growth of the mercantile marine, and the rapid increase of the foreign trade in wool. Encouraged by success, Edward assembled another army, at enormous cost; defrayed mainly by an arbitrary increase of the taxes on wool, and by loans raised on stringent terms

from Italian bankers. The cautious tactics again resorted to by the French compelled a truce for five years. This was but partially observed, on both sides; and in July, 1346, Edward landed at La Hogue, in Normandy, with forty thousand followers; not one-fourth being fighting-men. The rich city of Caen was sacked. Rouen was threatened. He marched nearly to Paris, without encountering any material resistance. By this time, however, one hundred thousand French had assembled, and Edward, with his inferior force, was in danger of being hemmed in. In this critical position, his only chance was to retreat upon Flanders, if a stand proved unsuccessful in his maternal territory of Ponthieu. He chose a strong position at the village of Creçy, and there awaited an attack, which was made on Sunday, August 27, 1346. It resulted in the total defeat of the French; due to the superiority of the English archers—the flight of arrows being so rapid, "that it seemed as though it snowed"—and to the almost impregnable position. If the statements as to the respective forces be correct, the encounter was a second Marathon. The Florentine historian, John Villani, who died only two years afterwards, says that the English had "bombs, which, by means of fire, darted small iron balls for the purpose of affrighting and destroying the horses. This kind of missile caused so much noise and tremor, that it seemed like thunder from heaven, while it produced great slaughter among the soldiery and the overthrow of their horses."

Froissart (1337–1410), who minutely describes the campaign, is silent upon this subject, though he mentions it somewhat later. It is indisputable that very small cannon, called "crakys of war," of a rude kind resembling mortars, but scarcely larger than the muskets of the eighteenth century, were used at the siege of Quesnoy, in 1340. Their employment on a field of battle seems to have first taken place at Creçy. The rudimentary form of a new engine of warfare was introduced, made of iron bars hooped together with iron rings, and destined to effect a revolution in military tactics. The process of casting, and the use of bronze or brass, were not attained until the end of the fifteenth

century. In the earlier days, rough hewn circular stones were used for shot. Then, after a protracted interval, the invention of new processes in steel led to the construction of Minie rifles and other arms of precision, and of the gigantic Armstrong, Krupp, and Gatling guns of recent times, and to the rolling of massive armour-plates to resist their impact. But the general use of fire-arms was slow, owing to difficulties in manufacture, and to the imperfect granulation of gunpowder. The explosion was as dangerous to the assailants as to the attacked. James II. of Scotland was killed by the bursting of one of these clumsy cannon at the siege of Roxburgh Castle in August, 1437. Personal strength, bravery, horsemanship, and skill in battle, for a long time contributed mainly to victory. A man-at-arms was a complicated and cumbrous machine, heavily clad in mail, and mounted on a great war-horse, caparisoned and armed as strongly as his rider; both of them being helpless when hurled down by the shock of a hostile encounter, or when the horse was disabled by the terrible cloth-yard shaft which English archers could propel for three hundred yards. The triumph of infantry over heavy cavalry at Creçy was the death-knell of the old system of warfare that had dominated Europe for four centuries.

Five days after the battle, Edward III. marched to Calais, and invested it. For nearly a year it stood out; but capitulated August 3, 1347, when, as was usual, it was given over to pillage. It became an English port, and continued so until 1558. Thus one of the most important harbours was closed against the pirates who had so long harassed England, and protection for commerce was secured in the Channel. The story of the burgesses, with halters round their necks, for whom Queen Philippa interceded with her husband, if not mythical, is highly embellished; unless, as has been suggested, it was arranged for stage effect. Another truce with France was agreed to, and renewed from time to time, because it was convenient to postpone any decisive campaign. Troubles had arisen in England; mainly out of the strain caused by the expense of the war. Edward repudiated the express conditions of the

Parliamentary grants when the money was obtained. His high notions of chivalry did not hinder him from repeatedly violating his promises to his subjects, or from deliberately defrauding the Italian bankers who lent him money. He applied pressure on various occasions to compel merchants to make what were called, in the sycophantic language of the time, "free gifts," and also to increase the Customs' duties on merchandise, levied solely by the exercise of the prerogative; as in the case of his grandfather, and in defiance of the Legislature. Worse things were apprehended. In the Parliament of January, 1348, when he requested advice about the war with France, it was evaded; but sixty-four petitions for the redress of grievances were presented. The most urgent related to the vexatious and costly method of raising troops, or money to pay them, by Commissions of Array in the counties; to the irksome monopolies of wool and tin, and to the illegal imposts on manufactured cloth. The reply was an attempted justification; on the grounds of necessity, of prescription, and of prerogative. Two months later, in answer to another urgent request for money, the complaints were renewed, with stronger emphasis. The King yielded; but only verbally. No new Statute was framed, but the coveted grant was secured, although again the conditions were not fulfilled. All that Parliament could do was to await the course of events with such patience as might be commanded, and meanwhile, continue to protest and complain. Another reason operated. The outbreak of the Black Death, in 1348, thrust aside all public business for nearly three years. When it was resumed, Parliament was on its guard, because the royal demands did not abate, nor were the royal promises trustworthy. The Rolls of Parliament are missing from 1356 to 1362; but in the years immediately preceding and following there are constant records of the old struggle for money on the side of the King, and against illegal exactions on that of the people.

The embers of foreign discord still smouldered; ready to break out under slight incitement. France had also suffered terribly from the plague, in common with most European countries. Philip of Valois died in 1350, and

was succeeded by his son John. Edward set up a claim to hold his ancient French possessions, not as a feudatory, but of sovereign right. The troops which he kept there, chiefly mercenaries, were ordered in 1355 to make a raid from Guienne through the rich districts of Languedoc, so as to weaken the French. Another object was that they might take by pillage enough to cover their arrears of pay. Within seven weeks it was boasted that five hundred cities, towns, and villages in France—probably an exaggeration, but certainly a large number—had been sacked and burned. Everything portable was carried off. Such of the defenceless inhabitants as could not escape or ransom themselves were ruthlessly butchered. A similar marauding expedition took place in the following year through the fertile regions of Auvergne and Limousin. Fire, rapine, mutilation, and slaughter raged on all sides. The leader in both these sanguinary enterprises was the Prince of Wales (b. 1330, d. 1376), to whom had been entrusted the government of Guienne. His familiar appellation of the Black Prince is commonly supposed to have arisen from the colour of his armour. It is more probable that the epithet, *Le Noir*, first given to him by the French, was a Satanic comparison, due to the terror inspired by his ferocity. It is certain that they had cause to dread the approach of one who was designated "the pink of chivalry," and whose military ardour remained unquenched though human blood flowed in torrents. With a perversity far from being singular, he has been eulogized for a spirit and for acts that would now be deemed mean and brutal; while his really patriotic services in the time of the Good Parliament of 1376, when his own life was ebbing away, are almost ignored.

That this severe judgment is not unmerited will appear from one other and later instance, in 1371. He had sworn a great oath that he would recapture Limoges; the capital of Limousin. After a month's siege, a wide breach was made, and the city was stormed. Men, women, and children threw themselves at his feet, imploring mercy. No prayers and no promises could mollify him towards those whose only crime was the brave defence of their lives, liberty, and property. He

gave orders, in the spirit of that Russian butcher, Ivan the Terrible, for a promiscuous massacre of the whole population. "There was not, that day," says Froissart, for once moved to compassion, in spite of his idolatrous love of chivalry, "a man in Limoges, with a heart so hardened, or so little sense of religion, as not to bewail the unfortunate scene before his eyes. Upwards of three thousand men, women, and children were slaughtered. God have mercy on their souls! for they were veritable martyrs." While this atrocious wholesale murder was proceeding, eighty French knights and men-at-arms, being all who remained of the garrison, drew themselves up against a wall; determined to sell their lives dearly, in spite of overwhelming numbers. The Prince was so delighted with their prowess, that he sent to offer them life, and liberty of ransom. The survivors gladly accepted the boon. The city was being rifled and burned all this time, and its unarmed inhabitants were undergoing the horrors of torture, violation, and butchery. In like manner, Philip VI. of France, at the Battle of Creçy, displeased with his mercenary Genoese cross-bowmen, ordered his mailed knights to fall upon them; which they did, riding them down, and butchering them without compunction. These are only a few out of numerous proofs and illustrations that the boasted institution of chivalry had little influence in civilizing the human race, and in developing truly heroic virtues. It was a false and meretricious code of honour. On its sentimental side, with the fopperies and fripperies of tournaments, with its vision of fair women, with its minstrels and troubadours, and with its theory of knightly devotion and courtesy, it presents a glamour of poetry, daring, and adventure. In practice, it was an exaggeration of one or two virtues of a secondary order, to the neglect of the elementary laws of right and wrong; of justice and mercy; of truth and honesty.

It is time that this figment of mediæval chivalry were exploded, with its outward glitter and inward rottenness, and with its verbal veneer that covered deeds of infamy. These cannot be hidden by all the glamour that Time has lent to such Knightly Orders as that of the Garter, founded by Edward III., about 1346; or of the Bath,

said to be instituted by Richard II. in 1399, and revived by Walpole. A popular ballad of the fifteenth century, 'The Tournament of Tottenham,' printed by Warton and by Percy, admirably exposes the follies and pretences of chivalry. Rabelais (1495-1553) does the same in his 'Gargantua.' Cervantes (1547–1616) ridiculed its sham sentiment in 'Don Quixote,' whose doughty attacks upon windmills and imaginary castles served to bring knight-errantry into deserved contempt. It was inherently bad, hollow, and insincere; but it has been made to assume a factitious importance and a painted beauty by the aid of romance and by the mellowing haze of distance. Viewed closely, and judged impartially, it is a sham and a delusion; an embodiment of selfishness, cruelty, and pride. What Prince Edward did at Limoges is a type of this vaunted chivalry, which held in contempt all who were not fighting men. He spared the knights, not from motives of humanity, but only because of their knighthood. He had no compunction in ordering a wholesale butchery of three thousand helpless men, women, and children, who could not boast of gentle blood.

While engaged in Guienne in these ravages, he encountered a French army. The renowned Battle of Poitiers was fought, September 19, 1356. The English, numerically inferior, were again victorious; mainly owing to the renowned archers. King John II. of France and his younger son, with many nobles, were taken prisoners. Their entry into London resembled an ancient Roman triumph. The Savoy Palace in the Strand was assigned as a residence to the captive monarch. The demand was renewed for the recognition of Edward the Third's absolute sovereignty over his French possessions. King John was prepared to concede it, but the Dauphin who ruled in his enforced absence, sustained by the general sentiment of the people, absolutely refused. Hostilities were resumed by Edward, who crossed with a numerous army in October, 1359, to Calais; largely swollen by fresh bands of hirelings from all parts of Europe, who flocked thither like vultures with a keen scent for plunder. Picardy, Artois, Champagne, and Burgundy were overrun and devastated, and their inhabitants put

to the sword. The peasants, goaded into fury by the cruelty and rapacity shown on both sides, rose in mad rebellion, and took a fearful vengeance. The Jacquerie, however, as this peasant rising was contemptuously called, was really provoked by long-continued oppression on the part of the nobles, who were made for a few weeks to experience some of the horrors and cruelties which they had ruthlessly perpetrated for generations. The insurrection began in the neighbourhood of Paris, but it extended to the banks of the Marne and the Oise. It was brutally suppressed; the Black Prince and his opponent, the Captal de Buch, suspending hostilities, and uniting their forces to chastise and crush the Jacquerie, whom their boasted chivalry taught them to despise. The spirit that prompted the outbreak, sternly kept under for centuries, and aggravated by scandalous misgovernment, at length burst forth in the fire, and blood, and tornado of the French Revolution at the close of the eighteenth century. In like manner, in 1525—for History constantly repeats itself—the Duc de Guise, on behalf of the French King, Francis I., who was then at war with the Emperor Charles V., and was his prisoner, took an active part in suppressing the Peasants' War in Germany.

An attempt made upon Paris by Edward III. failed, chiefly because the whole region was a waste, and could not support the invaders. He withdrew into Maine; threatening to return in the following summer; but a treaty was made at a village near Chartres, on May 8, 1360. This is known as the Treaty of Bretigny. By it, the King of England, for himself and his heirs, received in full sovereignty Guienne, Gascony, Poitou, Perigord, Limousin, forming the province of Aquitaine, acquired by the marriage of Eleanor with Henry II.; with Angoulême, Ponthieu, Montreuil, Calais, and their dependencies, or more than half the realm of France. He was also to receive, as ransom for King John, three millions of crowns—equal in modern money to about seven millions and a half sterling — within six years. Ninety-three hostages of high rank, including three of John's sons and one of his brothers, were to be surrendered until the conditions were fulfilled. On his part, Edward

abandoned all claim to the crown of France, to his ancestral domains in Normandy, Touraine, Maine, and Anjou, and to all his conquests, excepting those named above. He further agreed not to assist the Flemings against the French; on condition that the latter did not aid the Scots. The two monarchs swore to observe the provisions of this treaty; as did twenty nobles on each side. Oaths were cheap commodities; freely taken, and as freely broken when convenient.

King John was conducted to Calais, and there released. Grave difficulties arose about carrying out the compact, and he returned to England in 1363, and died there a few months later. In the meanwhile, Prince Edward had been entrusted with the rule of Aquitaine, between the Loire and the Pyrenees. He entered into an alliance with Pedro of Castile—styled the Cruel, by reason of his atrocities—undertaking, for a consideration, to restore him to the throne from which an outraged people had driven him. When this was effected, Pedro proved recreant. The stipulated payment was not made, and Edward found himself left with a shattered army and an exhausted exchequer. He imposed a hearth-tax upon the miserable population of the Landes, and oppressed them in other ways, which eventually led to the loss of Aquitaine. He also connived at his hired banditti helping themselves, as usual, by plundering the neighbouring provinces of France. Charles V. used it as a pretext for declaring war again in 1369. It waged for two years with indecisive results. Prince Edward's health was broken, and increasing illness compelled him to return home early in 1371. He lingered for five years, often unable to take part in public affairs; and then died, not before a series of reverses and disasters had occurred in France. His father went in 1372 with a superb fleet to relieve Rochelle. The wind baffled his efforts, and an immense treasure was expended in vain. In the next year, his fourth son—commonly styled John of Gaunt, from Ghent, his birthplace, but known as the Duke of Lancaster—led an army, unresisted, to the gates of Paris; only to perish by famine and disease on its return through Auvergne to Bordeaux. Gascony and its dependencies revolted from English rule. Poitou, Guienne, and

Ponthieu were invaded by the French, who were welcomed as deliverers by the inhabitants.

Thus within five years, Charles V. had recovered all the districts surrendered by his father. Twenty-eight years after the triumph of Crecy, the only possessions retained by the English in France were Calais, Bordeaux, Bayonne, and a few places on the Dordonne. The victors suffered as much as the vanquished. Of glory there was abundance; but nought besides. Edward III. gained nothing but barren laurels from nearly fifty years spent in war, and crowned for the most part with victory; but resulting in no practical purpose. The liberty, the happiness, and the lives of untold multitudes were wasted in the pursuit of a phantom. Never, perhaps, was there an ambitious project which seemed so certain of achievement. Never was there a more rapid and astonishing series of military successes. Never were reverse and retribution so sudden and complete. It was not, however, a mere question of numerical superiority and strategic skill on the one side, and of incapacity on the other. The newly-annexed districts had sullenly yielded to English rule, and the older provinces, which had rarely been separated from England since Norman times, turned by a natural yearning towards France. So enormous had been the expense and suffering of the prolonged strife, and so hopeless appeared its continuance, that a truce was agreed to in February, 1375, and was renewed until Edward's death, two years later.

CHAPTER XXII.

THE BLACK DEATH AND THE STATUTES OF LABOURERS.

A.D. 1348–1360.

The brilliant but fruitless triumphs of Crecy and Poitiers, with all the evanescent glories of the campaigns in France, were but Pyrrhic victories. The loss of life and the waste of money were exceeded in their effects by a dire calamity that visited England, in common with

nearly all the countries of Europe. The only historical parallel is the Great Plague in the reign of Justinian, in the sixth century. There had been repeated outbreaks of pestilence in England since the one in 664, described by Bæda, which desolated the country for twenty years. It is terrible to read, in all the Chronicles, of plague, blight, famine, murrain, and other calamities that occurred with periodicity in every generation, or, sometimes, every few years. The visitation in the fourteenth century was by far the most terrible. Modern medical authorities agree that it was the bubo-plague; known to have existed in Egypt in the time of the Ptolemies. The fullest accounts are given by Dr. Gasquet and Dr. Augustus Jessopp, and in Creighton's 'Epidemics in Britain.' It is recorded in terms of dread in the Chronicles of the time as the Great Pestilence, or the Great Mortality. A later name given to it is the Black Death; from the dark blotches on the skin of the victims. The writers tell, in the superstitious manner of that age, how it was heralded by dismal portents. Whole districts were depopulated. How many perished in England, France, Italy, and Germany, cannot now be determined; but it is not too much to say that trade, industry, agriculture, war, and politics were paralysed for the time, and social conditions underwent a revolution. The ecclesiastical system was disorganized; and everything had to be built up anew. Even if, as is probable, the twenty-five millions so precisely mentioned by Hecker, in his 'Epidemics of the Middle Ages,' be an exaggeration of the fatal effects of the outbreak, as is always the case in a panic, the number must have been very large.

The symptoms of the pestilence were vomiting, spitting of blood, violent pains in the head and stomach, gangrenous inflammation of the throat and lungs, carbuncles, glandular swellings, and small black pustules with a pestilential odour. The disease usually ran its fatal course in two or three days, and often in a few hours. It was certain death to touch the stricken, or even to inhale their breath. This awful epidemic, coming from Asia in the track of the caravans that brought the produce of the East, broke out in Cyprus in 1347, and

coursed through Europe. No country escaped. Its ravages in Florence are vividly described in Boccaccio's 'Decameron,' in a manner rivalling the account by Thucydides of the plague at Athens. The Black Death first appeared in England in the Autumn of 1348, and raged for nearly two years. It seems to have been introduced by some Calais vessels into Melcombe Regis, or Weymouth, then an important port; whence it spread Northwards throughout the kingdom, and extended to Wales, Scotland, and Ireland. A further outbreak occurred from August, 1361, to May, 1362, and again in 1369, in 1375, in 1382, and in 1390. It may be continuously traced down to the Great Plague of London in 1664-5, and it was the principal zymotic disease of the country for three centuries. Sixty thousand are said to have perished in Norwich, which became sixth in order of population, instead of the second as heretofore. In Bristol, the dead exceeded the living. London was a vast charnel-house. A new graveyard of thirteen acres had to be provided outside the walls, near the Charterhouse. The ravages were not confined to crowded cities, or to the poorer classes. Scattered villages and sequestered hamlets were attacked; as were the high-born and the wealthy. A daughter of Edward the Third, probably three Archbishops of Canterbury—John Stratford, John de Ufford, and Thomas Bradwardine—with many nobles, abbots, priors, and yeomen, as well as labourers and mechanics, succumbed during one year.

The dead had to be hastily consigned to deep pits and long trenches. Survivors fled, panic-stricken. The most sacred ties of kinship were broken. Even the promptings of selfishness and the greed of gain were unheeded. Parents forsook their children; merchants abandoned their property; physicians refused to visit; and priests forbore to administer the last offices to the dying, or to perform funeral ceremonies. Harvests rotted on the ground; the fields were left unploughed; and sheep and cattle untended. No fewer than eight hundred and sixty-three beneficed clergymen in the diocese of Norwich, or two-thirds of those in Norfolk and Suffolk, perished in one year, according to the Register of Institutions; some of the parishes being filled up three

or four times. Nineteen religious houses in that diocese lost their abbots or priors. Twenty-four out of the sixty parish churches in Norwich were abandoned, and fell into ruins. A similar state of things prevailed elsewhere, though the particulars are not so minutely and carefully given. It is estimated that, in all, five thousand of the clergy died, besides a much larger number who did not hold livings; and for years much difficulty was experienced in supplying the vacancies. The Rolls of Manorial Courts show how frequent were the admissions to property, and how brief was the tenure; while ominous blanks in the records are mute signs that Courts could not be held. Whole families were swept away, leaving not one representative. This partly explains the fact, now generally admitted, that the population of England and Wales in 1377, did not exceed two and a half millions, and probably was not more than two millions; or but about double that of England alone at the Domesday Book enrolment. Nor does it seem to have increased until the time of Queen Elizabeth; mainly owing to the mortality caused by frequent epidemics, and to the Wars of the Roses.

The only section of the clergy who tried to cope with the surrounding wretchedness were the Franciscans. True to their early vows and practices, they devoted themselves to the revolting but necessary task. Thousands of them perished in different parts of Europe, owing to their merciful ministrations. The medical knowledge of the time—if, indeed, the phrase be not a misnomer—was at a loss what to do or to recommend. Æsculapian oracles are as vague as most oracles; ancient or modern. Conjectures were freely made as to the causes of the epidemic. These were supposed to be partly atmospheric and partly astrological. Such obvious reasons were overlooked as the neglect of drainage, the insanitary condition of houses, the uncleanly habits of the people, and their coarse and gross diet. Squalor and wretchedness, poverty and corruption, prevailed among the poor. Fever and plague ran an unobstructed course in the dense quarters of towns, where garbage contaminated the atmosphere and the water supply. The narrowness and intricacy of the streets and courts, while

serving as a protection against the raids of mounted knights and their men-at-arms, also prevented the free circulation of light and air, and were favourable to zymotic diseases. Hygeia then had but few votaries at her shrine. Ordinary precautions seem to have been generally neglected, judging by the frequency with which sanitary regulations are met with; for these prove that the negligence was so chronic and persistent as to demand incessant legislative and administrative checks. Scavenging of some rudimentary kind must have prevailed, but the difficulty of disposing of refuse is of old standing. The common plan was to deposit it outside the walls, or to throw it into the town ditch or the river.

A glimpse of the state of the streets of London is furnished in a royal order of 1361 to the Mayor and Sheriffs:—"Because, by the killing of great beasts, from whose putrid blood running down the streets, and the bowels cast into the Thames, the air in the city is very much corrupted and infected, whence abominable and most filthy stench proceeds, sickness and many other evils have happened, and great dangers are feared to fall out for the time to come, we ordain, by consent of the present Parliament, that all bulls, oxen, hogs, and other gross creatures be killed at either Stratford or Knightsbridge." Even in the rural districts, in immediate proximity to lordly castles and manor-houses, abominations were suffered that encouraged and invited pestilence. It is not surprising that sixteen conspicuous outbreaks of the plague occurred in Europe during the fourteenth century, and seventeen in the following one; besides local and transient attacks. In most of these England participated. When they appeared, they had to run their course through the dense slough of misery, such as the worst slums of modern cities do not present. Each attack carried off many thousands of victims, and then the survivors pursued their usual habits until another hecatomb was demanded.

Great fatality also resulted at this period from the prevalence of typhoid fever, of flux, or dysentery, and of scrofulous diseases, including some repulsive forms of what was called leprosy; loathsome and infectious in the highest degree. One cause, undoubtedly, as has been

indicated more than once, was the excessive use of salted meat and fish, and the absence of a leguminous diet. Another cause was the neglect of bodily cleanliness, when rough woollen garments were worn next the skin without frequent personal ablutions or visits to the laundry. Cleanliness, health, and order were not then understood to constitute a triad of Graces. A rudimentary knowledge of the uses of simples and of the treatment of wounds and diseases was supposed to appertain to everybody. Sick and injured persons were usually placed in the care of the lady of the house and her damsels. Medicinal herbs were grown in every garden, and dried, or made into decoctions ready for use. To this knowledge was often added, more particularly in Italy, the occult one of poisons, which were used to a terrible extent in the Middle Ages; women being the usual operators. Of the construction and functions of the body there was profound ignorance. Voltaire's famous saying applies with strict accuracy to this period, and to later centuries; that powerful drugs, of which little was known, were administered to the human body, of which nothing was known. Medicines were usually taken at particular ages of the moon, or under certain planets. Faith continued to be placed in spells, charms, and talismans; like the ancient Abracadabra. Miracles were often said to be wrought on sick persons by means of relics kept in churches; usually in cases of gold set with jewels.

The state of medicine may be gathered from the work of John of Gaddesden, physician to Edward II. He had studied at Oxford, and was deemed a great authority. Among other things, he administered seven heads of fat bats as a remedy for diseases of the spleen. He had long been troubled how to cure stone in the bladder; but "at last I thought of collecting a good quantity of those beetles which in summer are found in the dung of oxen; also of the crickets which sing in the fields. I cut off the heads and wings of the crickets, and put them with the beetles and common oil into a pot. I covered it, and left it for a day and a night in a bread oven. I drew out the pot, and heated it at a moderate fire. I pounded the whole, and rubbed the sick parts. In three days, the pain had disappeared, for the stone had broken into

pieces." Another description of medical treatment is given by John of Salisbury, Bishop of Chartres, who died in 1180. Such statements are true of a much later period than the Black Death.

The only name worthy to be remembered as a scientific teacher in an age of such gross darkness is that of the great Franciscan, Roger Bacon, who is supposed to have died about 1292. His name alone would have sufficed to establish the reputation of his Order, but his contemporaries failed to appreciate his transcendent merits. Each century has had its literary rushlights which passed for celestial luminaries, while those who were truly such have been contemned and extinguished. This marvel and prodigy of Mediæval letters, the Admirable Crichton of his age, was born at Ilchester, in Somerset, in 1214. After studying in the renowned University of Paris, he returned to Oxford, where he spent the chief part of his long and studious life. He applied himself to the pseudo-science of that age; but rose far above it by the force of his intellect, and did much to increase the then scanty knowledge of the laws and operations of Nature. He paid the penalty of all who live in advance of their time, and who dare to confront authority with experience. He was once kept for ten years a close prisoner; but Pope Clement IV., who had been Legate to England, appreciated and befriended him. A touching letter addressed to the Pontiff gives some autobiographical account of Friar Bacon. Such of his writings as remain show that he invented the magnifying glass; made important discoveries in optics and in light; knew something about a composition similar to gunpowder, although it does not seem to have been explosive; and understood Hebrew, Greek, and Latin, at a time when the two former languages were generally neglected. The Hebrew manuscripts and the instructions which he found among Jewish rabbis in the famous colony in Oxford, where they were numerous and wealthy, prior to their expulsion in 1290, were the means by which he penetrated to the older world of material and medical research, as brought by them from the Orient. They and the Saracens did much to transmit the torch of science and of learning through the darkness of the Middle Ages.

Bacon was also skilled in mathematics; studied mechanics, geography, astronomy, chemistry, and chronology; besides logic, metaphysics, and theology. He pointed out the errors then prevailing in the Calendar, and in his corrected data came very near the truth. He prepared a rectified Calendar; a copy of which is preserved in the Bodleian at Oxford. His great and varied knowledge, so far beyond the Quadrivium and Trivium of the scholastic philosophy, earned for him the title of the Wonderful Doctor. That he believed in astrology, and in what was called "speculative alchemy"—probably some form of experimental physics—is not surprising. The marvel is that he should so far have surpassed in acquirements the men of his day; and, with such limited appliances, and under such disadvantageous circumstances, anticipated some of the most important scientific discoveries of later ages. Some remarkable coincidences and parallelisms occur in the works of his great namesake, Lord Bacon. Both of these writers had a profound admiration for Seneca; the one, for his scientific value; the other, for an air of sententious morality. The chief distinction to be drawn, apart from the divergent circumstances under which their researches were pursued, is that Friar Bacon, though in practice a keen and sagacious experimentalist, in his exposition of science adopted the deductive method, whereas Lord Bacon followed the inductive method. Dr. Whewell has given a careful estimate in his 'History of the Inductive Sciences,' and the Rev. J. S. Brewer has an admirable Introduction to Roger Bacon's 'Opera Inedita,' in the Rolls Series.

The results of the Black Death were terrible and abiding for England, in addition to the great loss of life. Whole districts were thrown out of cultivation for a time, through a deficiency of labourers. Industry was disorganized. Towns and villages fell into decay. Houses, mills, and cottages were tenantless. A murrain broke out among the cattle and sheep, which died by thousands. The prices of food and of all commodities were greatly enhanced. Rents of farming land had to be lowered; to the extent of one half in many places. The wool trade was paralysed, and thereby one of the principal sources

of the royal revenue, by the duties imposed, was cut off. William Dene of Rochester wrote, not long after the outbreak,—"So great was the want of labourers and workmen of every art and craft, that a third part and more of the land throughout the entire kingdom remained uncultivated. Labourers and skilled workmen became so rebellious that neither the King, nor the law, nor the justices the guardians of the law, were able to punish them." The political events of the time shrink into insignificance before the tremendous calamity that changed the whole face of rural England, transformed the agricultural system, and permanently affected the course of social and economic life.

One foul mark left by the Plague appears in successive Statutes of Labourers. They were retrograde measures; not excusable because adopted in a time of panic. Even if the Black Death had not swept over the land, some other occasion would have arisen for the working out of economic laws. The germs of change had long since struck in the soil. Freedom of labour began to be asserted. Wages showed an inevitable tendency to rise, owing to the dearth of labourers. Now, they advanced by leaps and bounds. There was a demand and a need for social amelioration. The struggling denizens of walled towns, and the miserable labourers in rural districts, began to hope for some improvement. Their livelihood was precarious. They literally subsisted from hand to mouth. At all times indifferently housed, clad, and fed, they perished from absolute want in hard times. It was natural for them to seize upon an opportunity to effect a change in their wretched condition. "The rebellions of the belly are the worst," says Lord Bacon. Already, there were signs of improvement in England; whereas, on the Continent, changes in tenure and in personal service were not initiated for several centuries, and were not completed until after the French Revolution. The old feudal distinction between lords and vassals, coarse and brutal as it had become, was dying away; not without a struggle. A class of men had arisen, who, although they did not immediately acquire the power of bartering their labour to the best bidder, had escaped from the toil of personal bondage.

The servile tenants of manors, for example, were permitted to occupy small portions of land for their own use, but were required, at stated seasons, to cultivate the demesnes of their lords. They are scarcely noticed in the earlier records; but, after the time of Edward I., whenever it became important for the lord to inquire into the state of his manors, the number and condition of his servile tenants, and the extent and nature of their services, were investigated as minutely as the value of his arable and pasture land, his live stock, his fish-ponds, his mills, and his mansion houses. From these later records it is evident that by the time of Edward III. the condition of many of the villeins was somewhat improved. Instead of being obliged to perform every mean and servile office imposed by the arbitrary will of their lords, tenure was held on condition of rendering certain defined labour, such as sowing, reaping, harrowing, or drawing timber and stone for a given number of days. Apart from this forced labour, they were at liberty to use their time and industry in their own way. A servile tenant, if employed before Midsummer, received wages. Instead of working himself for the lord, he could provide a labourer; which implies the means of hiring one. The practice also became general, owing to the exigencies of war and tournaments, and to the increasing costliness of living, of accepting a money payment, usually, of a penny a day in Summer and a halfpenny a day in Winter, in lieu of personal or substituted labour. The few pence paid per acre were identical with what is now called ground rent in the case of land let on lease. The tenant could not be summarily evicted, or have his property confiscated. If he wished to dispose of his holding, the lord of the manor exacted a money payment or fine, as is now done with copyholds. If the tenant died, his heir had to pay for admission to the inheritance. If intestate, the property accrued to the lord, who could fix what rent he pleased to an incoming tenant.

All this was attempted to be changed for the worse by the new legislation that followed upon the Black Death. Those who had raised themselves into the position of free tenants, were to be thrust down to a lower position. The commutation of personal labour into a money pay-

ment was to be cancelled. The old idea, that serfs had no legal rights, was revived. Any services rendered by them were to be recompensed or not, at the good pleasure of the lords of the soil. The injustice is deepened, and becomes infamy, when it is remembered that they had been large gainers by the Pestilence. Not only did the amounts paid in fees and fines—in many cases repeatedly, within a few months, for the same property—make up an enormous aggregate in proportion to the capital value, but large tracts of land had reverted to the lords through the extinction of families and the failure of legal heirs. Stewards of manors, who were both accusers, or claimants, and judges, often displayed malicious cunning in cancelling contracts of labour, of fines and of freedom, and in hunting up informalities and omissions in the Manorial Court Rolls, so as to reduce tenants and villeins to the old state of bondage. No remedy was to be had in the King's Courts; which would seldom interfere. Thus the gentry became richer, and their estates larger. Yet they were not satisfied. The scarcity of labour, induced by the Pestilence, furnished a pretext for trying to revive in their worst and most unjust forms some of the old feudal customs.

Like many of these early enactments, the first Statute of Labourers presents in realistic form the social condition of the time. Originally issued in June, 1349, as an Ordinance by the King and the great men—Parliament being unable to meet because of the Black Death—it finds a place among the Statutes of the Realm, although, in strictness, it is not an enactment. The preamble states that "a great part of the people, and especially of workmen and servants, late died of the pestilence, many, seeing the necessity of masters, and great scarcity of servants, will not serve unless they may receive excessive wages." Every man and woman, free and bond, under sixty years, not a trader, craftsman, or owning or tilling land, and not already in service, was to render this when required. The wages to be such as were usual in 1347, when they began to increase. Lords were to have the first claim on their tenants and bondmen. Refusal to serve was punishable with close imprisonment until obedience was promised. Any reaper,

mower, or other servant, leaving without cause or license, was also to be sent to gaol. None were to pay, or promise to pay, more than the accustomed wages in 1347. Any demanding more were to be fined in double the amount, at the suit of any informer, and any lord promising to pay more was to be fined treble. All saddlers, skinners, cordwainers, tailors, smiths, carpenters, masons, tilers, shipwrights, carters, and other artificers and workmen, were not to ask or to accept more than the old rates of wages, under pain of imprisonment. Butchers, fishmongers, hostellers, brewers, and all sellers of victuals were to make reasonable charges, and to be content with moderate gains, under penalty of paying double to the buyer or the informer. Mayors and bailiffs neglecting to inquire into such cases were to be amerced in treble the amounts.

The gravamen of the complaint of the lords was not that the employers could not afford to accede to the demand for increased wages, but that mere tillers of the soil had the temerity to assert themselves in any way whatever, or to take advantage of the law of Demand and Supply. Competition was unknown and unrecognised. Anger was aroused at what was deemed the presumptuous insolence of the labourers in asking for higher wages, and refusing to work at the old rates of payment. The Statute speaks of "the malice of the servants in husbandry." Its intention was to crush and subdue all classes of labourers, in town and country, who were rising, with justice and the laws of Nature on their side, to claim a fair day's wage for a fair day's work. The Statute proved inoperative, as was inevitable, in the nature of the case. The labourer was offered wages that it was worse than slavery to accept, because he could not subsist upon them with the rapid increase in the cost of living that attended the Pestilence; and yet, on refusal, he was to be treated as a felon. The time had gone by, and the power no longer existed, for the enforcement of such Procrustean methods. However, they were persisted in, until their unwisdom and impossibility were demonstrated by repeated failures; involving social disaster and political revolution. A second Statute was passed in February, 1351, which recited, with unconscious irony,

the failure of the first, and stigmatized as idle and covetous all servants who demanded higher wages than had prevailed before the Pestilence. It was ordained that agricultural labourers were to be content with the average rate for four years prior to 1347; to receive their pay either in money or in wheat at tenpence a bushel; and to be hired, not by the day, but by the year. Mowers were to receive fivepence an acre, or for a day's work. Threshers were fixed at a penny a quarter for barley, pease, beans, and oats; and twopence for wheat and rye. Reapers of corn were assigned twopence a day for the first week in August, and threepence for the following weeks; "but less where it was customary." Those refusing to work at the assigned wages were to be put in the stocks for three days or more, or sent to gaol. Carpenters, tilers, and plasterers were to have threepence a day, masons fourpence, and their respective "knaves," or common helpers, a penny. All labourers and artificers were to be sworn twice in the year to use their crafts at the rates of pay in 1347; subject to fine and imprisonment. They were forbidden to leave their parishes in search of more remunerative work, under penalty of being treated as runaways and masterless. Towns harbouring them were to be fined ten pounds. Large numbers were arrested and imprisoned for refusing to work at the old and inadequate rate of wages, and heavy fines were levied upon those who paid higher prices.

This second measure also failed to accomplish the intended object, nor could it be secured by such legislation. Seeds of hatred were sown between employers and employed, which bore a prolific crop in after times, and, like thistledown, was self-perpetuating for generations. Irritation thus produced rapidly spread on all sides. Yet the landed class would not abandon the repressive and coercive system. Parliament, consisting exclusively of that class and its immediate adherents, struggled on as doggedly and selfishly for the mastery over the labourers, as at other times for the subjugation of the regal prerogative, when it trenched upon the privileges of their own order. The marvel is that open rebellion was so long delayed. It broke out in due time. Meanwhile, another and more drastic Statute was passed, in 1360,

It provided that all offences of labourers and artificers under former Statutes should henceforth be punishable by imprisonment, without fine or bail. A blow was aimed against combination, by a clause that "all alliances and covines of masons and carpenters, and all congregations, chapters, ordinances, and oaths betwixt them made, shall be null and void." Fugitive and negligent servants were to be outlawed, imprisoned, or "branded in the forehead with the letter F, if the justices saw fit." This was a prototype of the Fugitive Slave Law of the United States of America in 1850: one of the proximate causes of the great Civil War that led to the abolition of slavery in that country. These Statutes of Labourers, notwithstanding their outrageous injustice and their manifest futility, were confirmed and extended by other enactments in 1368, in 1389, in 1403, in 1406, in 1444, in 1495, and subsequently. Failure induced obstinacy. New and harsher expedients were devised, but all proved inoperative. Yet these Statutes were not repealed until the fifth year of Elizabeth, or, after more than two centuries. Even then, other legislative attempts were made to achieve the same impossible end.

The immediate object of all the above enactments, in conformity with a deep seated and long prevalent delusion, was to regulate labour and wages by an arbitrary standard, fixed to suit the governing classes. A further design was to maintain their political and social supremacy by keeping down the artisans and labourers. Time, Nature, and circumstances rendered this impracticable. The tendency was for wages to rise. With the stipulation for increased pay, the popular spirit became less tractable, not to say less servile. For the first time, "landless men" were able to control the labour market. Twenty years after the first attack of the Black Death, harvest wages had doubled, despite the law; infractions of which had to be connived at. Wages never again sank to their former level; as was to be expected in the natural order of things. Nor is it surprising that the lords, and the master class generally, felt aggrieved at the change, and resented an industrial revolution brought about by the irresistible force of circumstances. Hence the Legislature, composed entirely of landowners and employers, including

the clergy in that category, sought to set up a barrier against the rising tide. But the waters gathered volume and force, and swept away their puny mounds of sand. Although for thirty years the lords and landowners fought against the complete overthrow of mediæval serfdom, its fall was rendered inevitable by the Great Pestilence. Practical emancipation was finally won by the popular rising of 1381. The landlords had to learn, from bitter experience, that the old methods of cultivation, and the old system of tenure, were rendered impossible by the economic and social effects of the great scourge that had swept over the country. Tenants who survived, refused to pay the former rents, or to render the ancient dues and service. They threatened to leave their holdings unless substantial reductions and concessions were made by the landlords, who, with so much untilled land and empty mills, were constrained to yield. The modern custom is for landowners to maintain a high nominal rent, from which an abatement of from ten to fifty per cent. is made year after year, as a matter of pretended favour; whereas, in fact, no more is paid than the land is worth in the open market.

CHAPTER XXIII.

THE PROTECTIVE SPIRIT AND SUMPTUARY LAWS.

A.D. 1327–1363.

The successive Statutes of Labourers, though harsh and merciless, were among the signs of a coming social amelioration. The bow could not be always bent. Long before the first of these arbitrary measures was enacted, an element had been silently working that was destined to effect a benignant change. Various immunities and privileges had been purchased from different monarchs, in perpetuation or extension of ancient usages dating from pre-Norman times, by merchants and manufacturers, especially in the woollen and cloth trades. Cities and towns became wealthy and influential, as is shown by

J. R. Green, and, more fully, in his wife's book on town life in the fifteenth century. Civic rights and privileges were valuable. Municipal burgesses shared in rights of common and of pasturage on the town lands, of fishing in the town river and meres, of free passage across the town bridge and ferry, and especially in the right to trade. They were placed in mercantile positions superior to those granted to a foreigner or to the denizen of another town. They had exclusive liberty to take apprentices. They were assisted in enforcing actions for debt against an outsider or an alien, by letters from the mayor, who also enforced compensation for or avenged injuries by confiscating the goods of persons temporarily resident from offending towns. Legal safeguards and trade privileges fenced them round on every side. There were correlative duties and obligations, such as undertaking a share of municipal work; paying certain taxes and dues; serving on juries; bearing arms for the defence of the borough; discharging offices that were sometimes irksome, costly, and unpopular; and the inevitable conflicts that arose with territorial and clerical magnates.

Tillers of the soil remained in the comparative poverty and servitude described in the ninth Chapter; but mitigating circumstances were in operation, the full effects of which are narrated in the twenty-seventh. The superior comforts enjoyed by the artisan in a borough, even though, for the present, he was debarred from municipal rights, unless he chanced to be a freeman, could not fail to inspire servile dependents of adjacent manors with a wish to emancipate themselves from a condition in which they scarcely obtained the necessaries of life, and none of its conveniences. If some little stock accumulated in the hands of a poor cultivator of the soil, who was virtually a helot, he would naturally conceal it from his lord, to whom, by law, it belonged, and he would seize the first opportunity of running away to the nearest town. By hiding there for a year and a day from the pursuit of his lord—a custom derived from Saxon times—he became a freeman. Abundant proof exists that this had occurred in many cases long before the end of the reign of Edward III. The villeins also

aided and succoured one another. It was complained in Parliament in the first year of the reign of Richard II. (1377) that tenants in villenage combined to defraud the lords of their rights, and that stewards of manors were unable to enforce accustomed services. It was also said that corn remained on the ground uncut, because villeins would not work for the wages fixed by the Legislature; and it was vaguely stated that they subscribed large sums of money for mutual support and defence. As was pointed out in the last chapter, one of the Statutes of Labourers was directed against this early form of labour combination and Trade Unionism; to which special objection was taken by the ruling and privileged classes. A few years later, the spiritual and temporal nobility complained in Parliament that their villeins behaved so insolently that their masters were afraid of exercising legal authority, for fear of losing them irrecoverably. Thus the condition of villenage was becoming mitigated, and was destined soon to vanish. It continued to be recognised, in theory, upon the Statute Book for more than two centuries after the death of Edward III. But a body of free peasantry was springing up, whose position ranked with that of freemen in towns. Gradually, the yeoman class was forming; destined to become the sturdy backbone of the nation in subsequent struggles with kingly absolutism, with titled monopoly, and with ecclesiastical greed. In so far as baronial power was inimical to popular rights, the Wars of the Roses in the next century served to create an equipoise by bringing about the fall of the baronage.

The earliest legislative mention of beggars occurs in one of the Statutes of Labourers, in 1389. The evil must have been growing for generations; especially under the indiscriminate doles given at the gate of every monastery. Their stoppage at the time of the Dissolution under Henry VIII. was not, as is commonly alleged, the cause of the terrible pauperism of the sixteenth century. This had been increasing for two hundred years; in spite of legislative prohibitions. The pernicious teaching, inculcated by the Romish Church, that charitable gifts were highly meritorious, acting as a vicarious offering, irrespective or in lieu of a holy life,

aggravated the social wrong by encouraging mendicity and idleness. With these grave evils, complicated by the labour problems of the day, Parliament set itself to deal. As early as 1350, the giving of alms to "valiant beggars" was forbidden. Idleness was regarded as a crime, demanding sharp punishment. How to apply this was the difficulty. The natural as well as the Scriptural penalty for the man who will not work is that he shall not eat. There were not a few who shirked labour, and tried to subsist on the bounty of others. Malingering and idleness are of ancient date. Such were to be compelled to earn their own livelihood by honest work. Disturbances during the Wars of the Roses; changed conditions arising from the growing substitution of free labour for feudal service, and from new methods of land tenure and agriculture; futile attempts to interfere with the working of economic laws, as in the Statutes for regulating apparel and diet by a vain sumptuary process, and in the Statutes of Labourers; and the social upheavals that were taking place, all contributed to produce a state of things that taxed the sagacity, the resources, and the courage of rulers and administrators. They had to deal with the results of an emancipation which was slowly and silently taking place. While villenage existed, the lord was bound to maintain the villein, even though he was a helpless and useless cripple. The moment he became free, it followed that, if in poverty and want, he must be left to the charity of neighbours, or to such provision as society might make.

In this way, the English Poor-Law had its origin. The initiation of the Law of Settlement is found in the Statute of 1389, which prohibited any labourer from departing from his usual locality without a testimonial from the justices of the peace; stating reasonable cause. Any one wandering without such a certificate was to be placed in the stocks until he found surety to return to his own place. It must have been equivalent to perpetual detention, and to virtual slavery, if rigorously enforced. Impotent persons were to remain in the towns in which they resided at the time of the passing of the Act; but if the inhabitants were unable or unwilling to support them, they were to withdraw elsewhere, or go to their

birthplace. It was also ordered, and this was confirmed in 1403, that in every future appropriation of the emoluments of a parish, or in any new appointment, the diocesan should assign a convenient portion to be distributed yearly for ever among the poor. These provisions were enforced by other Statutes during the next hundred and twenty years, without much practical effect. Pauperism was not curable by such empirical methods; whether legislative or eleemosynary. The disorder, and lawlessness of the times, the disbanding of mercenary troops hired for the French invasions, and especially the protracted Civil Wars in the next century, led to ever-increasing throngs of beggars, outlaws, and ruffians. A Statute of 1494 directed vagabonds, or idle and suspected persons, to be set in the stocks for three days and nights, with no other sustenance but bread and water, and then to be put out of the town. Whoever gave them relief was to forfeit twelve pence. Every beggar not able to work was to resort to the Hundred where he was born or dwelt last; and remain there. Excepting such an occasional outburst of vigilance and severity, when the nuisance became unbearable, not much notice was taken, so long as they fought among themselves or quietly rotted and died. But the evil assumed portentous dimensions in the time of Henry VIII., and was dealt with in the fashion peculiar to the age.

The woollen manufacture appears to have existed as early as the time of Henry II. It was made the subject of governmental regulation under Richard I. During the Plantagenet period, it grew and flourished. For centuries it was justly regarded as the principal industry, and the main source of wealth. At various times, Flemish workmen, who excelled in this branch of textile manufacture, were encouraged to settle here; especially in Norfolk, Suffolk, and Essex; but wool was still more largely exported. From the earliest records, down to the middle of the sixteenth century, England possessed a virtual monopoly of the wool trade. On account of the scarcity of money, Subsidies granted by Parliament were usually paid in this commodity. A sack of wool, which then contained three hundred and sixty-four pounds,

was worth twenty pounds in the markets. To this day, the official seat of the Lord Chancellor, as president or Speaker of the House of Lords, is styled the Woolsack; dating from the time when the prosperity of the country rested upon that valuable article. The Ordinances of the Staple form a lengthy and an important series of early legislative enactments. One of the most minute was passed in 1353. Hitherto, the Staple, or authorized and exclusive market for wool had been commonly held in some part of the Continental possessions. A curious change has come over the word, as is the case with many other old English words; such as "artisan," "blackguard," "defalcation," "demure," and "gossip." Originally, the Staple referred solely to the place; not to the commodity or any particular trade. Edward I. bought from the Duke of Brabant the town of Antwerp, and established there the foreign centre of the wool trade with the Flemings. The prosperity of many flourishing towns in the Low Countries, like Bruges, Ypres, and Ghent, each of which had thousands of looms and of cloth-workers, depended on the facilities for obtaining the raw material from this island. Henceforth, however, from the middle of the fourteenth century, in order to ensure the Customs' dues, payment was to be made at home. Certain places were appointed for England, Wales, and Ireland, whither all goods, including wool, lead, and tin, were to be brought for sale. The chief of these Staple towns in England were London, Winchester, Bristol, Exeter, Lincoln, Norwich, Canterbury, York, and Newcastle. After being weighed and marked, and the duty paid, but not till then, the commodities might proceed to their destination. The amount of tax payable was six and eightpence for each sack of wool, or for three hundred wool-fells; twenty shillings for a half last—six dozen—of hides; and threepence per pound on the value of tin and lead. People were absolutely prohibited from sending out of the country various home products. They were forbidden, under penalty of death, and the forfeiture of all their property, from exporting any goods other than through the official channels or the appointed Staple towns, or from being interested, even indirectly, in any sales abroad.

Regulations such as these were based on the vicious principle of seeking to enhance revenue at the expense of commerce; oblivious of the fact that such vexatious interference and harassing restraints are destructive of all enterprise in trade, and tend to the impoverishment of the country. The value of wool, wool-fells, cloth, and worsted-stuffs exported in 1354, was two hundred and twelve thousand pounds, on which the Customs' duties amounted to eighty-two thousand, or nearly two-fifths. Of the total exported, nine-tenths were raw materials. In 1362, a right, long demanded, was secured by an enactment that, in future, no Subsidy should be set on wool without the assent of Parliament. This was confirmed nine years later; and thus a wearisome contest for the maintenance of one branch of the royal prerogative was terminated by victory for the nation. The exactions on manufactured cloth exported were also subjected to Parliamentary control, after a similar struggle. Another irregular tax was made the subject of a legislative grant, in 1373, under the name of Tunnage and Poundage. Hitherto, vexatious levies had been imposed on every tun of wine, and on the nominal value of merchandise at the ports of entry, by the caprice of the royal officers; giving rise to constant disputes and irritation, or opening a wide door to bribery and nepotism. It was now decided that the levy should be two shillings a tun on wine, and sixpence in the pound on the value of imported goods; with ten shillings on each sack of wool exported. By these successive steps in a troublesome process, Customs' duties were brought within the annual purview of the Legislature, instead of being levied and squandered, as heretofore, at the mere will of the monarch. The Commons were resolute that no distinction should be drawn between direct and indirect taxes, but that both alike should be regulated by Statute law. No serious attempt at arbitrary taxation of merchandise by royal prerogative was made after the reign of Edward III., until the insensate policy which cost Charles I. his throne and his life, and led ultimately to the expulsion of the Stuarts.

Many of the trading guilds or fraternities existing in

London and other great towns, as has been already stated, were continuations, in new forms and with added rights and privileges, of those that antedated the Norman period. Others were subsequent creations, and a few were incorporated by Charter in the time of Edward III. The numerous weavers' guilds show how widely and rapidly the cloth trade had extended. Soon afterwards, they were designated Livery Companies; from the distinctive dress, or livery, worn by their members. In effect, these companies were monopolies. They served in some ways, a useful purpose for the time, but they exercised what would now be deemed tyrannical interference over individuals, and they operated in restraint of trade for the benefit of a favoured few. For nearly five hundred years the Protective Spirit was rampant in every department of Church and State. The history of progress, in matters of trade and of opinion, is a continuous struggle against that spirit. The struggle has yet to be waged to its final victory, notwithstanding the great results that have been achieved. Ignorance, folly, and selfishness are perpetually trying to put back the clock. The prevalent notion was that men and women were but children of a larger growth, who needed to be inspected, coerced, restrained, controlled, and legislated for in everything that related to their private and public life.

Such paternal government, however appropriate to Oriental despotism, is unsuited to a free people. The hoary heresy is not yet extinct, even in England. Indeed, there is a disposition and a resolute effort to revive and extend it. The Circumlocution Office is not peculiar to any age, and the Tite Barnacle class is prolific. In the Middle Ages, this spirit ran to excess of riot; producing untold and incalculable mischief in every department of human life. Individualism was then nothing. Personal enterprise was discouraged or repressed. The Reign of Law became an intrusive espionage and a grinding tyranny. People were peremptorily ordered what to eat, drink, do, and avoid. Their business, their dress, their recreations were prescribed. They were told what to believe and how to worship. No divergence was allowed from the regulation patterns. If these were infringed, condign punishment was inflicted. There were minor fines and

imprisonments for what were adjudged to be slight offences; while the more aggravated were visited with longer incarceration, heavier mulcts, severe whippings, mutilation, banishment, or death. Diversity and individualism, alike in things civil and ecclesiastical, were rigidly forbidden and severely punished. Herbert Spencer, in a letter to 'The Times,' November 15, 1889, stated, on the authority of the Vice-President of the Incorporated Law Society, that of eighteen thousand Public Acts of Parliament passed from 20 Henry III. to the end of 1872, four-fifths have been wholly or partially repealed, and that, within ten years, six hundred and fifty Acts of the present reign had been repealed, besides many of preceding reigns.

One exasperating form of the carrying of paternal government to excess is furnished in a long series of Sumptuary Laws: alike ridiculous and ineffectual. However stringent, they were always cunningly evaded, if not openly defied. The first known instance was a provision made by the Great Council, so far back as 1197, for regulating the manufacture and sale of cloth. It was to be two ells in width, and no colour but black might be sold, except in cities and boroughs. Similar regulations were issued from time to time with regard to the apparel and diet of various classes. A Statute of 1336 commences thus:—"Whereas, through the excessive and over-many sorts of costly garments which the people have used, many mischiefs have happened, for the great men have been sore grieved, and the lesser people, who only endeavour to imitate the great ones in such sort of meats, are much impoverished, whereby they are not able to aid themselves nor their liege-lord in time of need, as they ought." It was therefore ordained that such persons should restrict themselves in their diet. Another enactment, of 1363, runs as follows:—"For the outrageous and excessive apparel of divers people, against their estate and degree, to the great destruction and impoverishment of all the land, it is ordained that grooms and artificers shall be served with meat and drink of flesh or of fish, and the remnant of other victuals, as of butter and cheese, according to their estate; and that they have clothes for their vesture or hosing whereof the whole cloth shall not exceed two

marks; and their wives, daughters, and children shall be of the same condition in their apparel, and they shall wear no veils (or kerchiefs) passing twelve pence." Handicraftsmen and yeomen were forbidden to wear cloth of a higher price than forty shillings the piece. They were prohibited from using cloth of gold or silver, girdles, knives, buttons, rings, garters, ribbons, chains, or embroidery. Women of that condition were not to wear any fur, other than that of lamb, coney, cat, or fox. A graduated style of dress was rigidly prescribed for merchants, burgesses, esquires, knights, and other classes. Carters, ploughmen, and all persons that had not forty shillings of goods and chattels, were not to wear any manner of cloth but blanket and russet, of twelve pence a yard: and in eating and drinking they were to live "after the manner pertaining to them, and not excessively," under pain of forfeiture. The makers and vendors of cloth were to be constrained to assist in carrying out this Ordinance "by any manner that shall seem best to the King and his Council."

The 'Liber Albus,' or White Book, of the City of London, and all the older municipal records, with those of the Exchequer, furnish many other illustrations of the way in which personal liberty was interfered with. Arbitrary Ordinances and Proclamations regulated manufactures, agriculture, industry, and locomotion. Markets were not allowed to be held without a Charter, or to be opened for the day until the purveyors for the King and for the great lords had helped themselves to such commodities as they desired, and at prices which they chose to fix; irrespective of the wishes and necessities of the vendors and of the natural law of Supply and Demand. Further illustrations are given in the next chapter. Dealings were permitted only with certain persons, or in restricted places, or within defined hours, or under artificial regulations. Domiciliary visits were not uncommon, at any time of the day or night, on various pleas and pretexts, for search and examination. Numberless petty checks were imposed upon industry and upon the course of trade. In some cases, fairs were prolonged for several weeks, and attracted multitudes of people. Commodities of all sorts could thus be procured

for domestic use, and for personal luxury and adornment, at a time when village shops were unknown; besides horses, cattle, corn, and provisions of every kind. Charters were purchased from the monarch or from some great lord, for leave to hold these markets and fairs at certain times; no fewer than five thousand local centres of trade being thus created between the years 1200 and 1482. During the time allotted to the fairs it was not infrequent to forbid all trade in the surrounding districts. Such vexatious interference with the liberty of the subject was not unusual. Commerce was made to wear swaddling bands, in order that royal needs might be gratified, or that royal favourites might enjoy lucrative monopolies. These Court harpies were also permitted to tamper with the coinage. Constant complaints were heard of its debasement; leading to untold loss and misery. Among the chief fairs were those of Sturbridge, Abingdon, and Winchester. The first-named was the largest and most important; resembling the great modern fair of Novgorod, in Russia, or that of Weyhill hop and stock fair; though now scarcely remembered in the locality. It was held in a field about a mile from Cambridge, during the month of September. In his work on 'Agriculture and Prices,' Professor Thorold Rogers has drawn a vivid picture of the busy scene.

One final illustration may be given of the rampant Protective Spirit. Among the Statutes of the Realm some are grouped under the title of Statutes of Uncertain Date. They are conjectured to belong to the reign of Henry III., Edward I., or Edward II.; most probably the last-named. One of them, known as the Assize of Bread and Ale, contains curious regulations respecting the ingredients, prices, and profits of those articles. Infringement was punishable, in the case of men, by the pillory; and in that of women by the tumbrel—*i.e.*, the ducking-stool—or by whipping. As this Statute failed in its object, another enactment was made. It was not more successful, and is chiefly noticeable because it contains the first legislative reference to forestalling and regrating. The former practice was the intercepting of provisions on their way to the open market. The latter was selling them a second time in the same market: in

other words, wholesale dealing and re-sales. This was forbidden, under stringent penalties, but it was not prevented. Vain attempts were made to fix the rates of profit. Ingenious and elaborate regulations were devised to secure in markets that food, clothing, and other necessaries of life should be cheap and good; but the rules were inoperative in actual working, in so far as they interfered with the freedom of trade. Even the laudable object of guarding against local dearth, owing to the difficult, tedious, and costly means of transit, was constantly defeated by the prevalent spirit of monopoly, with law on its side. The practices complained of could not be suppressed by enactments. All the legislative leading-strings, invented by ancestral meddlesomeness, signally failed to achieve their absurd and impossible ends. They stand on the Statute Book as melancholy monuments of imbecility. The necessity for the warning has by no means yet passed away. Human folly crops up in every age, and in unexpected ways. It is the unknown quantity which no Calculus can determine.

CHAPTER XXIV.

RISING POWER OF PARLIAMENT.

A.D. 1327-1377.

Purveyance was an evil of long standing; in spite of incessant protests and dogged resistance. It was a pretended right of purchasing for the royal household, "at a fair price," whatever was necessary, in preference to every competitor, and without the consent of the owner. The prerogative was also claimed to impress carriages and horses for the King's use and that of his retinue. The custom, defended on the tyrant's plea of necessity, had prevailed for ages, not only in England, but throughout Europe. Frequently it degenerated into violence and extortion, under the name of law. Royal purveyors seized what they liked in the house or the field, in the open market or along the road; paid what they chose;

or made promises to pay; or gave tallies upon an empty Exchequer. Incessant complaints arose; culminating in resistance and squabbles. Numerous Statutes were framed to deal with the evil. Still it went on; sometimes worse than at other times; but during the thirteenth and fourteenth centuries it became a galling tyranny. The Court was in perpetual motion, and seemed ubiquitous. There were few places where a sight of it was rare. Seldom did the monarch remain a month in one place. Usually, he was moving every few days. The 'Itinerary' of Edward I. shows that in the year 1300 he changed his abode seventy-five times, or, on an average, thrice in a fortnight, without once leaving the country. With the court there was always a large retinue of nobles, marshals, scribes, cooks, minstrels, body-servants, grooms, and all the paraphernalia for administering justice and following sport; with a miscellaneous following of dependents and expectants, including not a few doubtful and notorious characters. In the incessant progress of this small army, the purveyors sallied forth on all sides, like locusts, taking and devouring what they chose. Live and dead stock, field and garden produce, clothing of all kinds, articles of adornment and luxury, as well as the commonest necessaries and the simplest implements, were freely appropriated by these legalized cormorants. Every shopkeeper trembled for his wares; every farmer for his stock; every artisan for his tools; and every housewife for her poultry and eggs. The keepers of stalls in fairs and markets knew not, when setting forth in the morning, whether they would be permitted to sell their goods for what they would fetch by free barter. Archbishop Islip, who filled the See of Canterbury from 1349 to 1366, vividly described, in a letter to Edward III., the common feeling of indignation and resentment.

The evil grew, in spite of complaints and of resistance, and in defiance of Ordinances and Statutes, until the year 1362, when a considerable though not an absolute reform was effected. Subsequent legislation, of a more stringent kind, had to be employed at frequent intervals. In times of civil war, Purveyance was often revived as an engine of oppression. The scandalous custom did not

wholly cease until it was abolished in the time of Charles II., with other antiquated Crown rights and feudal usages. The claim was the more oppressive and unpopular because it was not restricted to the monarch and his immediate Court. High officers of State and great noblemen asserted it; relying upon their power and influence; and the example was copied by their underlings. The right of nominally purchasing men's goods for the use of the King was also easily extended by analogy to their labour, which was often enforced at the busiest seasons of agriculture. Windsor Castle was built by masons, carpenters, tilers, and other handicraftsmen impressed from every part of the kingdom, at such wages as the royal officers chose to pay. Edward III. issued a commission to all sheriffs to supply as many painters as might suffice "for our works in St. Stephen's Chapel, Westminster, to be at our wages as long as shall be necessary," and he gave orders to "arrest and keep in prison all who should be refractory."

This hateful grievance was the more intolerable because other parts of the feudal system had largely ceased. The theory was that in every case the market value of goods or labour should be paid. In practice, there were innumerable frauds, quibbles, and extortions. Persons whose commodities or service had been forcibly taken, at a price arbitrarily fixed by irresponsible officials, were referred by them from one to another for payment that was often evaded and was always deferred. The Treasurer of the Household sent them to the Sheriff, who passed them back to the Exchequer, whence they were referred to some one else. The object was to weary them out, or to extort costly gifts and fees in order to expedite the business, or the acceptance of a smaller sum than was justly due: the difference being appropriated by the officials. "How not to do it," was practised in perfection. Every demand, however just and reasonable, was subjected to vexatious scrutiny and wearisome delays. Lawyers were as expert then as now in interposing technicalities and quirks. If these did not already exist, it was easy to invent them. Prolonged anxiety, trouble, suffering, and loss were thereby entailed. It was bad enough that men were made to sell their goods

without their own consent, and at prices in the fixing of which they bore no part. It was worse, and was adding insult to injury, to haggle over and to escape payment.

With the growth of the trading classes and their increase in wealth, and especially with the extension of municipal rights and immunities, such evils met with an effectual cure. The principles of civil liberty had struck deep, and, like the fibrous roots of the ivy, were destined to shatter the stern rock of despotism. In this period the growth may be distinctly traced of what is now clearly understood as public opinion, which was matured and strengthened by subsequent events. In the noble language of Burke:—"Always acting as if in the presence of canonized forefathers, the spirit of freedom carries an imposing and majestic aspect. It has a pedigree, and illustrious ancestors. It has its gallery of portraits; its monumental inscriptions; its records, evidences, and titles." During all this time, and amidst the excitement of the wars with Scotland and with France, the powers and forms of Parliament were consolidating. With silent energy, happily unknown to those who might otherwise have striven to control or suppress it, favouring circumstances carried on the process of adapting old institutions to new conditions; the beginning of which was explained in the fifteenth and seventeenth Chapters. The principle that the consent of the taxed, personally or by deputy, was essential before any impost could be levied, gradually received full acknowledgment. Burgesses from cities and towns, as well as knights from the counties, had been incorporated as integral parts of the legislative body. The next step was to settle upon an immutable foundation the practice that had so often been employed of coupling the redress of grievances with the granting of supplies; and to make the former precede the latter.

Thus the stately fabric of English liberty slowly rose, stage by stage, through much toil and with many sacrifices; each generation adding some buttress, or pillar, or adornment; trusting that posterity would perfect the work and enjoy the full reward. In the time of Edward III., no fewer than seventy Parliaments and Great Councils were convened. Westminster was

the usual meeting place, although, for political or sanitary reasons, a provincial city was sometimes chosen. This occurred twenty-eight times in the reign of the first three Edwards. The Writs of Summons, prepared in Chancery under the Great Seal, are still extant. The occasion and object of the assembly, with the time and place, are stated. When the advice and assistance of the baronage were desired in some emergency, it seems to have been usual to call a Great Council. At other times, and more commonly, for the purpose of granting supplies and making laws, a Parliament was summoned. The number of elected members fluctuated; apparently at the caprice of the sovereign, or, perhaps, by the action of his sheriffs; for the same places were not always the recipients of writs. Occasionally, they returned only one member. At length, a general rule prevailed that each of the thirty-seven counties, with a variable number of boroughs, the average from 1382 to 1454 being about one hundred, sent two members, chosen from within their own bounds. Security had to be given for their due attendance. The allowance was two shillings a day; knights of the shire receiving double that sum.

Gradually, the knights and the burgesses formed a distinct body, and deliberated apart from the nobles and prelates. The precise date of this separation into two Houses is unknown; though it was effected prior to the close of the fourteenth century; but the need must soon have arisen, and the convenience is obvious. For nearly two hundred years, the Commons met in the Chapter House of Westminster Abbey; which thus became the cradle of popular liberties as well as the scene of regal coronations. What was done for special and temporary purposes, such as the voting of a Subsidy, and its apportionment among the three Estates of Peers, Clergy, and Commons, was at length continued for all matters as an abiding arrangement. Frequent conferences took place between the respective bodies, by means of chosen delegates. The clergy had their separate gatherings in Convocation, for discussing all questions pertaining to the Church, but especially for granting their own quota of the taxes. They continued to do this, with a suspen-

sion in the time of the Commonwealth, until after the Restoration of the Stuarts. The customary hour of the meeting of Parliament was eight in the morning. On the opening day the roll was called in the presence of the King; on whose behalf some high officer of State made an address, declaring the objects for which the assembly was convened. Absence without sufficient excuse was punishable by heavy fines. Every project of law underwent the scrutiny of the two Houses before being offered for the royal assent. Each House, in process of time, became a check upon the other, and upon the prerogatives of the Crown. Thus the English Constitution combined the advantages of a monarchical, an aristocratic, and a democratic form of government, at the same time that it lent itself to such modifications as future needs demanded. True, the powers of the House of Commons were at first restricted, and its intervention in public concerns was infrequent, and not always effectual; but there was a gradual alteration and extension under the pressure of circumstances.

Numerous illustrations occur during the protracted reign of Edward III.; such as have been mentioned in connection with the French Wars. Repeated complaints were made by the Commons, with demands for the abolition of illegal taxes, because levied without their concurrence. Protests may have seemed in vain; but they continued to be made until a claim of right was acknowledged. Sometimes, the King formally declined; and then the representations were renewed more urgently. Sometimes he mingled cajolery with falsehood. Sometimes, with a cynical disregard of morality and honour, he issued an order to the sheriffs, declaring null and void his assent given to petitions in Parliament, as "contrary to the laws and customs of our realm and to our prerogative and rights." This was notably the case in 1341, when he said that he had been "compelled to dissimulate, and pretend to grant what was contrary to sound policy." Cervantes dubbed Mendez Pinto (1509–1583), the Portuguese traveller, "the prince of liars." The epithet would apply to Edward III., for he never hesitated to lie roundly and boldly when occasion prompted. Sometimes he pleaded an emergency, and

promised that a particular tax should not be drawn into a precedent. Whenever the Commons refused further grants, he tried to soothe them with new concessions, which were, not infrequently, withdrawn when the exigency ceased; for Edward III. was alike fertile in expedients and a master of tergiversation. Falsehood appears to be an attribute of royalty. It is appalling to think how many of the English monarchs were ingrained and unblushing liars. The famous saying of Epimenides with regard to the people of Crete, as quoted in the Epistle to Titus (i. 12), is strictly true of most of the occupants of the English throne, so far as regards their lack of veracity.

The earliest known instance of an account being rendered to Parliament respecting a money grant, occurs in 1340, when the barons appointed receivers of the accounts of the tax-collectors, because it was alleged that the amount paid into the Exchequer did not correspond with that voted. This was a decided step towards asserting a right of control over the expenditure. Nor was such a course long delayed. Fourteen years subsequently, Parliament annexed to a Subsidy a condition that the money raised should be devoted to the expenses of the war then waging with France; and to no other object. In like manner, in 1346, when the King, by Proclamation, required every owner of land to furnish for the war in France horsemen and archers, in proportion to the value of the estates, or a certain sum of money in lieu thereof from every city and borough, the Commons objected that the Ordinance had been issued without their consent. Urgency was pleaded, with the further excuse that the measure had been approved by the Lords, and a promise was given that it should not be repeated. The Commons remained firm, and renewed their remonstrances, until it was enacted that no such order should in future take effect without the full consent of Parliament. It did not, of course, follow that when a petition was granted for the redress of such grievances, the object was always secured. There was a diversity in method. In some cases, the petitions submitted in Parliament by the Commons required embodiment in a Statute, enacted with the assent of the other Estates of

the Realm, and that became a perpetual record. In other cases, a Charter, or a letter, or a mere verbal promise, was obtained from the King. The promises were conveniently forgotten at times, or, if embodied in Statutes, these were not always issued to the proper officials for publication in the County Courts, fairs, and markets. They might contain no provisions for enforcement, or they were suspended by arbitrary power. Occasionally, they were altered to suit the royal wishes. As the same boroughs did not always receive election writs, and as members were not of necessity returned to successive Parliaments, such forgetfulness, or manipulation, or culpable suppression was easy.

To remedy this state of things, the Commons asked that petitions might be reduced to proper form before they dispersed, so as to ensure accuracy, and in order that the record might afterwards be appealed to. After this reasonable method had been repeatedly urged, often promised, and as often evaded, it was expressly provided when the Ordinances of the Staple were enacted in 1354, that no alterations or additions should be made in future without the knowledge and assent of the two Houses. Thus the Statute Book gradually acquired salutary provisions for securing the national freedom, and some of the worst administrative abuses and scandals were effectually checked. Even the exigencies of the wars with France compelled constant applications to Parliament, and materially strengthened its influence. Yet, in the last year of the reign, when the boundaries of prerogative had been somewhat sharply defined and curtailed, the King claimed the right to impose charges upon his subjects, "in cases of great necessity, and for the defence of the kingdom;" language very different from the usual vocabulary of absolutism, and indicating a healthy change in the methods of kingly government, which, after long fretting impatiently at the curb, began to acknowledge the restraining hand of law.

Nor was it only in the matter of taxation that the House of Commons, by its firm and persistent attitude, consolidated its rights against regal aggression. Such a national Legislature, slowly concreting under the stress of home and foreign affairs, learned to take up subjects

of wider scope than local needs, rival civic interests, regulations for specific trades, or even pressing public grievances and the imposition of taxes. It enlarged its province, and successfully interfered by advice and control in the general administration of affairs, or in politics, properly so called. It energetically resisted the varied powers which the Popes still assumed to exercise within the realm, and the enormous influence acquired by the clergy through their growing numbers and wealth. Complaints were made that the great offices of State were monopolized by clergymen. Collisions soon became habitual, and paved the way for the Reformation of the sixteenth century. The Commons also turned their attention in a special degree to trade and industry, sought to remedy abuses at elections, and took an active part, in joint Committees of the two Houses, in investigating matters of the highest concern to the nation. In 1366, their opinion was sought by the King as to the course to be pursued if the Pope carried out a threat to summon him to Avignon, in default of paying the tribute pretended to have been conceded by King John. Three years later, their judgment was asked as to a renewal of the war with France; meaning, at their expense. Facts like these, and many others that might be cited, demonstrate the immense progress made in representative government through the House of Commons, in particular during the hundred years since the days of Simon de Montfort. In the enacting clauses of Statutes passed in the reign of Edward III., mention of the Commons is rarely omitted. Much was also done at their urgent instigation to expedite and cheapen the administration of justice. The Rolls of Parliament abound with complaints of the nepotism and favouritism of the royal officers, including judges and sheriffs, who were armed with powers that, in the hands of corrupt men, degenerated into tyranny. Some effectual checks were imposed. One beneficial reform was a provision, in 1362 that all judicial proceedings were to be conducted in the English language, instead of in Norman-French, which the common people did not understand. When Parliament assembled in the next year, the Chancellor's opening speech was delivered in English. This is mentioned as

something remarkable, and as if it were the first occasion of the kind.

A final illustration of the growing powers of Parliament—only one out of many that might be cited—is furnished from the official records of the one known as the Good Parliament, that met in April, 1376, and sat for nine weeks; then deemed an extraordinary period. A graphic narrative of its proceedings, from the pen of an anonymous Chronicler, is given in the twenty-second volume of 'Archæologia.' Besides granting a Subsidy, the Commons referred in plain terms to the great waste of the courtiers; to their removal of the Staple from Calais; to their practice of usury; and to their purchase, for their private advantage, of old debts due to the Crown. For these and other misdemeanours the Commons impeached Lords Latimer and Neville, and others, who were subsequently deprived of their offices, banished, or imprisoned, and their possessions confiscated. Latimer had been Court Chamberlain, and Neville held the office of Steward. The former was the friend and creature of the Duke of Lancaster, son of the King. Nor was this Parliament at all nice in touching a point where Kings least endure interference. An Ordinance was made that, "whereas many women prosecute the suits of others in courts of justice by way of maintenance, and to get profit thereby," — in other words, putting forward and sustaining others in collusive and fraudulent suits at law,—"which is displeasing to the King, he forbids any woman henceforward, and especially Alice Perrers, to do so, on pain of the said Alice forfeiting all her goods, and suffering banishment from the kingdom." Such open denunciation of the royal mistress was a resolute act. The King was in his dotage, and was infatuated with her. Even Alexander had his Thaïs. But the Commons succeeded in their action, and the woman was banished.

The impeachment of the two Ministers named forms a valuable historical landmark. It is the earliest instance of a successful attack upon the Executive. The Black Prince, then dying, placed himself at the head of a truly popular movement for reform. This, and not his military prowess, constitutes his valid claim to be ranked among

England's worthies. Personal responsibility was thus fixed on the great officers of State. Futile attempts had been made to secure their honesty by oaths; the binding force of which, as was customary for generations, was in inverse proportion to their verbal stringency. Equally vain efforts had been made to punish them by heavy fines, when they exceeded what the loose morality of the age regarded as permissible malversation. The new method of impeaching them proved a sharp and an effectual weapon, although it was often strained to injustice for partisan ends. Additional means were adopted, as already mentioned, to ensure an efficient audit of the accounts of the Exchequer, and to determine the way in which money grants should be expended. The principle, first explicitly yielded in 1379, soon asserted itself in healthful practice. After the reign of Richard II., excepting in times of civil war, treasurers of the Subsidies were regularly appointed, to account for both the receipts and the issues of the Exchequer, before another grant was made. It is the germ of the modern Appropriation Act. The effect was to control the national policy, as well as to define and enforce ministerial responsibility.

No fewer than one hundred and forty petitions from the Commons were presented and answered during the memorable assembly of 1376. Its records note also the election of Sir Peter de la Mare as foreman, or Speaker, as he is afterwards called. Some such official must have existed already, but this is the earliest formal recognition. It was further asked that, in future, knights of the shires might be properly chosen, and not merely nominated by the sheriffs without actual election in the County Courts. The whole scope of the requests made and conceded in this assembly proves, not so much that there had been deliberate attempts to retard the growth of popular freedom, as that the government was carelessly and ineffectually administered. There had not been, perhaps, a set purpose to establish despotic rule, but the desire or the determination was lacking on the part of powerful officials to enforce existing laws, and no effectual checks were imposed against peculation. True, John of Gaunt, one of the sons of Edward III.—if "time-honoured," he was also time-serving—with his customary self-seeking

and personal ambition set himself to undo or to neutralize this partial improvement. The title of Duke, heretofore unknown in England, had been created in favour of Gaunt and his brother Lionel, Duke of Clarence. In the declining years of his father, Gaunt became virtual Regent; although the name was not used. But he had to proceed with caution, and his success was only partial and temporary. By a straining of legal forms, he imprisoned Sir Peter de la Mare, the Speaker of the Good Parliament of 1376, whose procedure was inimical to the Duke. He succeeded to some extent in 1377 in packing a House of Commons, which reversed the policy of its predecessor, and the more easily because, through culpable neglect or intentional omission, the petitions of the Commons had not been embodied in Statutes, as promised. The impeachments of Lord Latimer and his confederates were set aside, as the Duke's power extended. For all this, the tide of progress was not turned back, though its course was stayed for the time. Walsingham's Chronicle asserts that the King was deserted in his dying moments by his servants, and by the woman who had captivated him for her own mercenary ends. The poet Gray has vividly depicted the scene in his well-known Sonnet.

Edward III. was not a statesman, in the proper acceptation of that term; although, but for his irrepressible warlike propensities, he might have taken, in the work of useful and constructive legislation, a part as distinguished as his grandfather had done. He married four of his sons to the heiresses of great English families; but these alliances were dearly purchased, for they brought into the royal family the unquenchable feuds and rivalries of generations, and were among the causes that led to the disastrous Wars of the Roses in the following century. This was a continuance of the policy of his grandfather, under whom no fewer than seven out of the twelve greatest English earldoms came into the royal house through escheat or marriage. Edward the Third's abilities were great, but he devoted them almost exclusively to projects of foreign conquest. His military ambition made him unscrupulous, extravagant, and ostentatious. Maintenance of the supremacy did not

trouble him, nor the loss of prerogatives for which his predecessors had struggled. By his repeated violations of solemn pledges made in Parliament he did much to break down "the divinity that doth hedge a king." The glamour of Froissart's narrative has invested him with a factitious importance, and has imparted to his reign a false glitter that deludes all who do not look beneath the surface. The expenditure of life and money on wars of annexation, with the immediate loss and suffering, were incalculable. To rank him with great captains and strategists would be absurd. As a soldier and a legislator, he looms large between his father and his grandson, who preceded and followed him on the throne; but in both capacities he dwarfs into mediocrity when compared with Edward I. or William I. Contemporary writers, while extolling his renown as a general, depict the internal state of the country and the sufferings of the people in terms that constitute a dark and awful background to the brilliant chivalry described by Froissart in his minute and spirited but superficial Chronicle, or by Lawrence Minot in his short poems on Edward's victories.

The death of Edward III., June 21, 1377, devolved the Crown upon his grandson; a boy of eleven years, son of the Black Prince, who pre-deceased his father. The authority of John of Gaunt had to be shared with other powerful nobles during the minority. The mention of legislation by petition from the Commons gradually drops, during the reign of Richard II., and the form appears of enactment by the King, "with the assent of the Prelates, Lords, and Commons." This was not uniformly employed until 1445, or its equivalent phrase "by the authority of Parliament." By that time, the method of legislative procedure was virtually settled to be by a Bill originating in either House. From the end of the preceding reign, all money grants were made by the Commons, with the advice and assent of the Lords. The three separate readings of all measures are of such ancient usage that their origin cannot be traced. The earliest Rolls of Parliament take this for granted. The minute account of procedure, written by Sir Thomas Smith, who died in 1577, is substantially true of a much earlier period; even allowing for obvious Tudor

innovations. The incidents here recorded furnish conclusive proof of the growth of constitutional rights and liberties during the Plantagenet period. The spirit of freedom perpetually asserted itself in successful resistance to prerogative and monopoly. England was steadily advancing, and the national life was becoming more vigorous and healthy. Concessions wrung from attempted absolutism, in return for financial aid, consolidated into rights. Patriots in after times were inspired and encouraged in their heroic efforts, under circumstances of peculiar difficulty, by the remembrance of their fathers' victorious struggles when the problem of national self-government was practically worked out, and precedents were set for the future. The successful appeal has always been to axioms that no sophistry can refute and no sceptre can abrogate.

CHAPTER XXV.

"THE MORNING STAR OF THE REFORMATION."

A.D. 1377–1390.

THE close of the fourteenth century witnessed the dawn of a great spiritual awakening. Deep thoughts began to agitate the mind of Europe. In this movement England largely participated. Consentaneously, there was a political and social revolution; the importance of which is sometimes overlooked in the turmoil aroused by the mighty ecclesiastical cataclysm. The two were intertwined, and no arbitrary distinction can be drawn. For centuries, the Romish Church had rendered conspicuous service to civilization and humanity. With the lapse of time, with growing worldly power, and especially with the increase of wealth, much of the old religionism became effete. As is the case with all human systems, in proportion as the essence was lost, the casket was more sacredly cherished. Corruption crept into the Church. Spiritual gangrene supervened. The Church of the Avignon Popes was not that of St. Augustine;

still less was it the Church of the early Fathers. Its vast official army had forgotten their spiritual vocation. They schemed, intrigued, and fought for secular wealth, renown, and power, and aimed to secure absolute spiritual domination. Then arose doubts, murmurs, protests, and resistance; signs of impending change which the ecclesiastical rulers would not read, or could not interpret. They resorted to the stale dogmatisms and the cunning devices of priestcraft, until these were swept away in the storm of the Reformation.

The priesthood kept in their secret armoury, always ready for use, potent weapons forged by themselves for the subjugation of the human intellect and conscience. In his 'History of Latin Christianity,' Dean Milman describes their vast power and influence. The whole range of literature and of the sciences, so called, was their exclusive domain. They were the lawyers, statesmen, ambassadors, historians, poets, philosophers, and doctors of the age. Every high office in the State, and many inferior posts, were filled by them. They claimed absolute power to declare the destiny of every man. Though their prophecies and forecasts were as intelligible as those of Nostradamus, to doubt their sentence, or to ridicule their tawdry paraphernalia of dogma and mystery, was damnable. They were clothed with a kind of omniscience, through knowledge gleaned in the confessional. No act was beyond their cognizance. Scarcely a thought, an intent, or a motive could be kept secret. They were an ecclesiastical police and a judiciary, before which every man was required to appear and be an informer against himself. From the lynx-eyed scrutiny of an expert and critical priest, skilled in sophistry and dialectics, there was no escape. He claimed supernatural powers. He could grant or withhold absolution. It was within his discretion to impose humiliating penance. He could bestow or refuse Sacraments held to be indispensable to peace and salvation. He could deny Christian burial, or place men under the awful ban of excommunication. By means of Purgatory he held in his hands the doom of the dead. To escape from it there must be expiatory Masses, which he alone could perform, and which were repeated prefunctorily, at so much a

dozen. Thus no man stood alone and erect. He carried a heavier burden than Sindbad. Out of the pale of the Church there was no salvation. Apart from the priesthood, there was no Church. Orders, once granted, were indelible, save for heresy. Personal character had nothing to do with the efficacy of spiritual acts. The priest might be proud, sordid, and sensual. It mattered not, so far as concerned the validity of his offices. He was part of a mighty system that extended over Christendom, like a huge net with close meshes. This solidarity of interests made the Church irresistible. Her officials owed supreme allegiance to herself. They were clerics first, and Englishmen a long way afterwards. Temporal authority was recognised only as a subordinate and an inferior claim. Cardinals were princes, with the revenues of provinces. Bishops were magnificent nobles. The Papal Legate was the equal of kings, and exacted instant compliance with the decrees which he promulgated. The Head of the Church was the embodiment of its vast, though vague authority, and fulminated from the Vatican in a way that secured prompt and universal obedience. He was the fountain of all clerical authority, and the dispenser of blessings and curses.

Added to all this, the inordinate wealth of the Church, accumulated during centuries in every part of Europe, gave an influence and a power to the hierarchy that made it dangerous to society. Although successive Statutes of Mortmain had been passed, to stop the perpetual encroachments of the Church upon the landed property of the realm, and although, by other enactments, the subtlety of statesmen at length baffled the subtlety of churchmen, yet the latter were left in possession of nearly all that had been heaped upon them by the unwise prodigality of former ages, and by the lavish bequests of dying sinners in their fright. Money could effect anything. Baptism, marriage, confession, absolution, extreme unction, burial, and every priestly act, required payment, in addition to tithes and other oblations so rigorously exacted. The gates of Purgatory and of Paradise were supposed to swing upon golden hinges, and could be opened only with a golden key. As Fuller says—"Not the least clapper in the steeple ringing,

except money was tied to the rope"; or, according to Massinger—"Money is the picklock that never fails." It was inevitable, in the nature of the case, that fallible men, arrogating such exceptional and universal powers, often wielded them for selfish and ignoble purposes. Church authority became a relentless mechanism for crushing all who were opposed to the dogmatic and official embodiment of Christianity. Four times every year a solemn curse was pronounced, with much histrionic display and ritualistic millinery, against all who interfered with the rights, privileges, immunities, and monopolies of the Church; meaning thereby, as has often been the case, among Pagans as well as Christians, Protestants as well as Catholics, the huge organized community of priests. Denunciations were launched against all who offended in the slightest degree with regard to ecclesiastical tithes, offerings, and fees, or who invoked the civil against the ecclesiastical courts in defence of personal rights. Three-fourths of the comminations were directed against such as presumed to disregard the exclusive pretensions of the priesthood, or did not implicitly believe in their Eleusinian mysteries. In this way a mighty fabric of tyranny was reared on a foundation of imposture.

The clergy, as a body, including the Monks and the Friars, were numerous and rich. They wielded vast political and social influence. In the House of Lords they were in a majority. In the two Convocations of Canterbury and York, they had special powers. The bishops, by virtue of their baronies, and the abbots, as holding great landed property, exercised jurisdictions and franchises like territorial nobles. The spiritual courts possessed a far reaching and inquisitorial system of judicature, with a perpetual tendency to assume larger powers. Jurisdiction was claimed over everything that had to do with faith and morals, with contracts and promises, and with all that was supposed to relate to "the health of the soul." This phrase was elastic; convenient; and an endless source of profit. Not only did it apply to such matters as attendance at church, ritual proprieties, the observance of oaths, the payment of clerical dues, speaking evil of Saints, drunkenness, and

other open scandals; but it was strained so as to take cognizance of almost every human act and relationship. There was scarcely an offence or a culprit too small or too great to be a matter of inquiry under this complex, minute, and searching ecclesiastical code. Matrimonial and testamentary jurisdiction was a lucrative source of revenue to the Church, and gave rise to vexatious and costly litigation in the Consistory Courts. These were not regulated by ordinary methods of judicial procedure. They were presided over by the bishops or their representatives, who levied uncertain but enormous fees and fines, and imposed arbitrary penances. A further profitable and irritating method was to prosecute all who complained of the constitution or the methods of the Courts. To do so was to complain against Holy Church; and that was heresy. The arm of the Church was long; and her grip was mortal.

In this way, from the bishop or the archdeacon down to the meanest apparitor, there were inducements to turn alleged spiritual crimes into sources of gain. England, in common with Christendom, was covered with an elaborate web of Canon Law, from which it was next to impossible for any one to escape. Over the wide domain of property, as well as of moral delinquency, there were two sets of courts and lawyers. Jealousy, friction, and collision were incessant. The country was irritated; and the feeling sometimes broke out into open violence. Petitions in Parliament were presented against clerical encroachments and arrogance. From the time of the Conquest down to the Reformation, a continued rivalry was waged between the temporal and the ecclesiastical powers. To restrain the latter, the authority of the Crown and of the Legislature was repeatedly invoked; with varying success. An effectual remedy was not devised until the final rupture with Rome. Another evil had grown up during the Middle Ages, known as Benefit of Clergy. Originally, it consisted in the privilege allowed to a clerk in holy orders to appeal from the temporal authorities to the ecclesiastical when charged with any offence. Claims were set up that the latter should alone possess jurisdiction over clerics, however heinous their crimes. To such an extent was

this carried, that any one who declared that he meant to enter holy orders, or any member of the army of subordinate satellites connected with the Church, might demand to be handed over to the spiritual courts. The usual test was the ability to repeat the first verse of the fifty-first Psalm; popularly called the neck-verse, as it often saved a man from the hangman's rope. Thus the privilege was strained so as to cover any who by inference could be regarded as belonging, however vaguely or remotely, to the clerical order. The dangerous immunity secured for such persons, when charged with crimes, often including murder, rape, and robbery, was not limited or controlled until 1488, and a yet more stringent Statute had to be enacted in 1532.

The parishes in England barely exceeded eight thousand; but the clerics were four or five times that number, including acolytes and sub-deacons, apparitors and sumpnours, Monks and Friars, unattached officials and subordinates, private chaplains and chantry priests. The majority of ordained persons held no cure of souls and had no specific duty of preaching. Their chief function was to say Masses for the dead. No inducement existed for study or labour. They merely had to carry on a ceaseless round of performances; mumbling Litanies and Masses at a fixed rate of payment. The assigned task was formal and perfunctory, and could have been performed with automatic regularity, and with equal efficacy, by the praying machines driven by the wind among the people of Thibet and of Tartary. All these men were, or were supposed to be, enforced celibates. Cut off from the joys and responsibilities of domestic life, and with much unoccupied time, the moral results were such as might have been expected. The case does not rest merely on the testimony of enemies. Existing records of the spiritual courts unfortunately leave no doubt as to the facts, which reacted upon the laity; as was inevitable. The general tone of public morals was low and coarse, to an extent that now seems revolting. Nor was there a screen of hypocritical decency. The censures of the spiritual courts were inadequate and ridiculous. Thus the evil grew and spread. Clerical jealousy resisted the intrusion of the secular arm in order

to check it. Reformers within the Church were powerless. Nothing short of a heroic remedy could avail.

Protests against this state of things were made long before the Protestants appeared. What are called the Dark Ages were not without gleams and rays of light. In England, as in France, in Bavaria, in Switzerland, and other countries, brave, pure souls were found at intervals to keep alive the torch of truth and hand it on for the illumination of future ages. Among the early Schoolmen, with all their fanciful conjectures and their verbal hair-splitting, some rose superior to metaphysical theories and speculations, and proved themselves to be men having understanding of the times. Roger Bacon, and other distinguished Franciscans, have been mentioned. Some twenty years before he died, another illustrious member of the same Order appeared. William of Ockham, or Occam, was born in 1270, at the village of that name, in Surrey. His great abilities induced the Franciscans to persuade him, while yet a boy, to join their ranks. He studied at Merton College, Oxford, and then in the University of Paris, where he was the favourite pupil of John Duns Scotus (1265–1308), the Subtle Doctor, whose renown and influence he speedily rivalled, and eventually became a chief opponent of his system of philosophy, in the revived disputes between the Realists and the Nominalists. Occam was the contemporary and friend of John Marsiglio of Padua; also a teacher in that University; whose lectures and writings embody the two great ideas of the spiritual and political struggle then impending, namely, the substitution of a ministry for a priesthood in the Christian Church, and the recognition of popular government as the source of sovereign power in the State. Duns was a corruption of Don, an abbreviation of Dominus, applied to the Minorite Friars, and was used for the sake of euphony. R. L Poole has summarized the arguments of Marsiglio in his 'Wycliffe and Movements for Reform,' tracing the descent of political ideas through Marsiglio and Occam to Wycliffe.

Without possessing original research or daring speculation, Occam had the faculty, beyond all other teachers of his day, of seizing upon important principles and

showing their immediate practical use. He was the great English Schoolman of that age; though much of his active life was spent in France and Bavaria. His influence was perpetuated in John Wycliffe and in John Huss. As the unrivalled representative of English theology and philosophy, he is styled Doctor Singularis et Invincibilis by the writers of his own time, in accordance with a peculiar and somewhat pedantic fashion. His nationality and patriotism appear in his writings. Abstract dialectics could not obscure his clear vision. His sturdy self-dependence and intense love of freedom made him a power in both Church and State. In the long-continued and tenacious dispute between Rome and the monarchs of Europe, as to the complete subordination of the civil authority to the ecclesiastical, Occam challenged the political supremacy of the Head of the Church; declaring that he had rule in spiritual matters only. He established this from Scripture, from theology, and from common sense, in a short tractate remarkable for clear and terse reasoning, and which has been a storehouse for later disputants against ecclesiastical supremacy. Wycliffe not only adopted the fundamental thought in his 'Trialogus,' but he borrowed much of the argument. He went further than Occam, in asserting the power of the State to guide, control, and regulate the Church within its own domain. Occam and other forerunners of the Reformation prepared the way for destroying what was false, rather than by clearly announcing new truths. They were pioneers of a movement which they were not to see, and the unconscious heralds of principles which they never would have accepted.

The chief points of contact between Occam and the Reformers of the sixteenth century are his doctrine of philosophical scepticism in relation to the Scholastic theology; his strenuous opposition to the temporal power of the Pope; his exposure of the luxury and evil lives of the clergy; his assertion that neither Pope nor Council could bind a man's conscience and compel him to do an unlawful act; and his theory of the Eucharist, which in all essential points was the same as Luther's. That great German Reformer, according to Melanchthon, studied the writings of Occam and his disciples with such

care that he could repeat from memory whole passages. The influence upon Luther is so marked as to be traceable in many peculiar expressions. Occam was also a distinguished follower of Grosseteste, Bishop of Lincoln, in his resistance to Papal absolutism. He was contemporary with Thomas Bradwardine, the Profound Doctor. The principles that lay at the basis of the teachings of these three great thinkers, were further developed by Wycliffe, and found their ultimate fruition at the Reformation. In their popular form they are set forth in the 'Vision of Piers Ploughman.'

Against the notorious evils which culminated in the second half of the fourteenth century, John de Wycliffe, commonly called, like Pierre Waldo (1120–1170), the Morning Star of the Reformation, was moved to deliver an emphatic and indignant protest. Of his personality and early life not much is known, notwithstanding Dr. Robert Vaughan's painstaking monograph, and the researches of Lechler, Buddensieg, and Professor Shirley, with the invaluable publications of the Wycliffe Society. He is described as of a spare, frail, emaciated frame, of a quick temper, and most innocent conversation. His grand and solitary figure appears in shadow behind the gorgeous pageantry of Edward the Third's reign. His own age furnished no friendly biographer. Knighton of Leicester and Walsingham of St. Alban's depict him as a blasphemer. Netter of Saffron Walden rendered unwitting but invaluable service by collecting the chief Wycliffian doctrines under the title of 'Fasciculi Zizaniorum,' or, 'Bundles of Tares.' Most of the Chroniclers denounce him as an arch-heretic and an emissary of Satan. He suffered long from the foul breath of calumny. In after years, when he was understood and appreciated, loving traditions were handed down, but their origin cannot be traced, and they are manifestly embellished, if not apocryphal. The scanty information possessed comes from the antiquarian researches of the sixteenth and seventeenth centuries; Leland being one of the earliest. Even the famous story of his reply to the Friars during what was thought to be a fatal illness, and the dramatic incident which represents him standing majestically before the prelates and doctors at Oxford,

like Luther a century and a half later at Worms, have no historical warrant. Born probably in 1324, near to Richmond, in Yorkshire, he received in his youth, all the educational advantages that Oxford could furnish. He first appears publicly in 1361, as a controversial preacher and as the Warden or Master of Balliol. Twenty years of study had trained his faculties, and made him proficient in the metaphysics of the time. He was acknowledged to be a consummate master in the dialectics of the schools; ranking with Duns Scotus, Occam, and Bradwardine in the quaternion of great Schoolmen of that age. A keen disputant, and the unsparing assailant of abuses, he was at the same time a popular pamphleteer. His Latin style is abstruse, argumentative, and severe; but his English is pungent, emphatic, and sometimes vehement; with short, sententious phrases couched in homely, idiomatic language, like that used by the artisan and ploughman of the day, for whom he wrote. His writings abound in exquisite pathos, in delicate but keen irony, and in manly passion.

His fearless and unsparing attacks upon the Friars secured for him an immediate hearing. He struck boldly at the root of the evil; as his contemporary, Richard Fitzralph, Archbishop of Armagh, had already done, for which he was cited to Avignon in 1357. Wycliffe anticipated Milton's scornful description in 'Paradise Lost,' of "Eremites and Friars, white, black, and grey, with all their trumpery." He branded the higher members of the two Mendicant Orders as hypocrites, who, while ostentatiously professing poverty, lived in stately houses, rode on noble horses, and enjoyed all the luxury and displayed all the pride of wealth. He denounced the humbler Friars as common able-bodied beggars, who ought not to be permitted to infest the land. In his 'Treatise against Begging Friars,' he presents a terrible indictment. His root-and-branch method of treating the subject enlisted popular sympathy. The details given were patent to all. None could escape the conclusion that the evils described were a necessary consequence of the system. The two Orders of Friars had come into being as a protest against the pride, luxury, and corruption of the older monastic

foundations; but they speedily forgot or violated their rules of poverty. Fuller thus describes the Friars:—"These vultures had the quickest sight and scent about corpses; flocking fastest to men of fashion when lying on their deathbeds, whose last confessions were more profitable to the Friars than half the glebe land to the priest of the parish." In various ways they contrived to become actual owners of enormous property. Cloisters, and churches of the Mendicants arose all over the land, as in other parts of Europe, vying in the elaborate costliness of their architecture and appointments with the noblest abbeys.

Every country and age has its Aristophanes, whose writings remain, though the author may be forgotten or nameless. Contemporaneous satirical poems, of which many are extant, abound in complaints of clerical corruption. Charges of simony are continually met with. The bishops and other dignitaries were said to be chiefly influenced by the love of money and by self-indulgence. Monks and Friars were declared to be remarkable only for worldliness, avarice and sensuality, and their magnificent houses as no better than dens of wolves. The latter still called themselves Mendicants, yet they wore rich clothing under the pretence of protecting themselves from the inclemency of the weather. They sold Masses and prayers to all who could pay; caring little whether the purchasers were worthy. They were alleged to be guilty of many dark crimes, of which, says one of the satirists, "I will not here speak; but I say, Farewell to you, Friars! Whosoever throws his net among you is sure to catch reprobates." In the Prologue to the 'Canterbury Tales'—to which further reference is made in the next chapter—Chaucer describes, among other persons, a Monk and a Friar, who may be regarded as typical. The former was "a manly man," loving field sports; a good rider, with "store of dainty horses;" not addicted to strict monastic rules or to hard study; but taking life easily, dressing well and in the fashion: not forgetting "a love knot." The Friar is represented as "wanton and merry," "well-beloved and familiar." He could both sing and play, and was acquainted with the

best taverns in every town between London and Canterbury :—

> "Somewhat he lipsede, for wantounesse,
> To make his Englissch swete upon his tunge."

Both are spoken of as telling tales of an exceedingly gross character, and ready to join with zest in all the low and debasing employments of the vulgar. Chaucer also delineates the Sumpnour and the Pardoner; two parasites of the system then prevailing. The first was the officer employed to summon delinquents. He was the sleuth hound of the Ecclesiastical Courts, combining an extortioner's greed with a gossip-monger's love of scandal, and he made a hateful living by fees and penalties. His business was to scent out the secret sins of the neighbourhood, and to make practice for those abominable, inquisitorial, and tyrannical courts, if he failed to extract private compositions from accused or suspected persons. The second was the retailer of Indulgences. The bold exactions of which the Sumpnour was the legalized instrument, and the impudent frauds imposed upon the people by the Pardoner, who sold forgiveness and what was construed into immunity to sin, for a consideration, rendered them generally hated, where they were not despised. The graphic picture drawn by Chaucer justifies the severity with which Wycliffe denounced these men. He insisted upon their suppression as being necessary, if people were to be protected against fraud and hypocrisy. English literature abounds with similar representations, down to the time of Dryden and his play of 'The Spanish Friar'; intended as a type of a large class.

It is not necessary to conclude that all Monks and Friars were worldly, idle, and sensual. In every age, men have been found superior to the worst systems. Neither is it just to represent what some vaguely reverence under the diaphanous phrase of Ages of Faith, as a lost Paradise, whose peace and beauty can never be regained. Former times appear entrancing because viewed through the dim haze of centuries. Allowing for instances of goodness, purity, and heroism, universal and indisputable testimony proves that the tendency of

the system was towards debasement and corruption. Residence in a religious house, or wearing the garb of Mendicants, by no means ensured exemption from intrigue, ambition, pride, and the indulgence of baser passions. The cowl does not make the monk. Cathedral chapters and the common rooms of colleges are not distinguished for serene unselfishness. It is unreasonable to expect too much from the average man. The saintly character is as rare as the bloom of the aloe. There were, however, exceptions to what must be regarded, on overwhelming evidence, as widespread degeneracy. Some noble instances occur among the clergy of superiority to prevalent ignorance and corruption. Chaucer has drawn a beautiful portrait of one of these in the Persoun, or parson; for which Wycliffe himself may have been the original. It might also have served for the prototype of Fielding's Parson Adams, or Goldsmith's Village Preacher, or Cowper's, in 'The Task'; and it found actual and beautiful realizations in the sixteenth century in Bernard Gilpin, the Apostle of the North, and in the next age in the saintly George Herbert and in Fletcher of Madeley.

Yet, after making full allowance, as demanded by justice and charity, the general condition of ecclesiastical affairs at this time presents a melancholy spectacle. Worship had sunk to a performance. Most of the preachers uttered by rote what they neither understood nor believed. Sermons were made up of lying legends, of pretended miracles, of ghostly stories, and of realistic and harrowing descriptions of Purgatory and Hell. The pulpit had lost its power. The marvellous influence gained by the early Friars, through their preaching talent and their self-sacrificing labours for humanity, had died away. The golden age of the few eminent Schoolmen was a thing of the Past. Scholastic divinity degenerated into petty trifling and feeble dogmatism, which has made much of the so-called theology and philosophy of the Middle Ages a by-word of reproach. The process went on from bad to worse, until Erasmus overwhelmed it with his caustic satire, early in the sixteenth century. Time was wasted, by men claiming to be erudite, in vain and idle conjectures on metaphysical

subtleties; as the question solemnly discussed by Alexander Hales, whether a mouse nibbling a consecrated wafer thereby eats the body of Christ; or as represented by the popular tale that one of the theses of the Schoolmen was, "How many angels can stand upon the point of a needle without crowding?" On this speculative treadmill whole lives were spent; with the sole result of filling posterity with amazement at the stupendous waste of power for such barren results. It was what Milton, describing the abyss, calls the "palpable obscure," through which it is hard to find the "uncouth way"; or what Cowper describes as "dropping buckets into empty wells, and growing old in drawing nothing up." A deserved oblivion has long since befallen most of the Scholastic commentaries and treatises. Some of their fanciful theories were bold and impious; others were trifling and contemptible; not a few were obscene; and all were practically useless. The Scholasticism of the Middle Ages was light without heat: just as most of the Mystics had heat without light.

The recorded contents of some monastic libraries show how restricted was the range of study. The renowned monastery of Bec, where Lanfranc and Anselm had been reared, contained only fifty volumes. The Library of Christ Church, in the archiepiscopal city of Canterbury, had but three times that number; among which the solitary work in Greek was a grammar. This state of literary denudation continued for several centuries. Richard of Bury (1281–1345), Bishop of Durham, and Chancellor under Edward III., not only celebrated in his 'Philobiblon' his own love of books, but shows the degeneracy of the clergy in learning, and especially the crass ignorance of the Friars. He spared no expense or trouble in forming a library, larger than any private individual before possessed. He gave the Abbot of St. Alban's fifty pounds' weight of silver for between thirty and forty volumes. Those who first attempted to open up the stores of ancient learning, experienced almost insuperable difficulties from the scarcity of manuscripts, and from the neglected condition in which many of them were found, owing to the ignorance and supineness of those to whom the guardianship was entrusted. Much de-

pended upon the personal character and attainments of the abbot, whether the monastic library was kept in order, and replenished by new purchases or by the industry of gifted brethren in the Scriptorium. The account books of the rich Bolton Abbey show that only three books were purchased during forty years after the commencement of the fourteenth century. This is but a specimen of the carelessness, ignorance, and sensual jollity which prevailed, to the exclusion alike of learning and piety. It is also to be regretted that priceless classical treasures were frequently erased, as Petrarch (1304–1374) lamented at this very time, in order that the vellum and parchment might be used for ridiculous legends, impossible miracles, historical fables, crude speculations and all the senseless gossip that marked the worst days of Monasticism. The most popular work of the time was the 'Polychronicon,' or Universal History of Ranulph Higden, a Chester Benedictine (d. 1364), who gives, with much information, an extraordinary farrago of delusions and myths.

Former legislative attempts to curb spiritual power and wealth had proved ineffectual. Claims more and more pretentious were set up by the clergy. Their constant aim was to evade or weaken the force of successive enactments framed in the interest of the laity. As if to add fuel to the national indignation, Pope Urban V. demanded, in 1365, payment of thirty-three years' arrears of a tribute of one thousand marks—equivalent to about one-third of a million of modern money—alleged to be due since King John ceded his crown to the Pope as feudal superior. Wycliffe was one of the first to enter the controversial lists in opposition. He was certainly the ablest disputant. Here was an Oxford scholar, in holy orders, a keen logician and metaphysician, who warmly espoused the national as against the Papal side; and was capable of defending his position with all the resources of a clear, powerful, and trained intellect. His earliest known treatise is devoted to this subject. He strenuously maintained the royal supremacy. Although no certain proof exists of the fact, he was probably brought at this time and by its means into personal

contact with the Court, and especially with John of Gaunt, Duke of Lancaster. The application to matters ecclesiastical of Wycliffe's famous argument, known by the quaint phrase of "Dominion founded in Grace," must have been peculiarly acceptable. It was an idealized form of the feudal theory of lordship, based upon reciprocity of service. In modern phraseology, it is the vindication of a national institution by its useful results; meaning thereby, that authority is only based on character and merit, and maintaining the absolute supremacy and control of the State. In the theological or metaphysical meaning, it was the doctrine taught by Augustine, but its social aspect was obvious.

Like the fabled arrow of Acestes, the swift thought of Wycliffe kindled as it flew. Laymen regarded with consternation the grasping and worldly policy of the Popes, the accumulating treasures and power of the Church, and especially the passing of revenues into foreign hands; however much they may have differed from, or failed to sympathize with Wycliffe in his lofty spiritual aims. When the Papal demand was submitted to Parliament it was disdainfully scouted. The temper of the nation was aroused. Even the prelates joined in declaring that the act of John was invalid. "Neither he nor any King could put himself, his Kingdom, nor his people under subjection, save with their accord or consent;" said the representatives of the nation. It was determined that in the event of this monstrous claim being enforced, resistance should be made to the utmost. Such a resolute attitude settled the question. The demand was not formally withdrawn; neither was it ever renewed. The effect upon the nation was electrical. No subsequent Pontiff presumed to make a similar pretension to suzerainty over England.

The feeling was intensified by the national antipathy of Englishmen to the Papal Court being fixed at Avignon, in Provence. Owing to predominant French influence, Clement V. and six of his successors were compelled to reside there from 1309 to 1377; a period known as the Seventy Years' Captivity. It was suspected, and probably with reason, that the vast sums extorted from this country for ecclesiastical dues went in

no small measure to foment the war then being waged against herself by France. This feeling applied also to the growing avarice of Rome with regard to Firstfruits. Small voluntary gifts in ancient times had been transmuted into a claim as of right to the first year's income of benefices; which, exacted from the whole of Christendom, yielded an enormous sum. Besides this, an old custom, so often protested against, was continued, and many of the richest livings and higher clerical offices were appropriated to foreign nominees—chiefly Italian cardinals and bishops—who drew the revenues while allowing a slender pittance to inferiors who did the work. Between 1317 and 1334, eighteen bishoprics in England were thus reserved. Rome was in constant need of money, and it had to be obtained by fair means or foul. A system of spiritual barter and huckstering was gradually established. In the "sinful city of Avignon," as it was stigmatized by the Good Parliament of 1376, there lived and throve a set of professional brokers who purchased foreign benefices and let them out to farm on behalf of absentee holders. To carry on all this lucrative traffic in ecclesiastical property, and to see that Peter's Pence and other dues were regularly paid, the usage, already referred to, was continued, of locating Papal officers, who also served the functions of political intriguers and spies. They were suspected and disliked, and sometimes openly attacked and maltreated. Wycliffe sets forth their rapacious spirit and conduct in his 'Speculum de Antichristo'; which was widely circulated and warmly welcomed.

It was no fancied danger that threatened the country. These were not new complaints. They had been made in some form, and with varying degrees of intensity, for generations; but they had become unbearable. A large portion of the national wealth, boldly said in one of the petitions from the Commons to amount to twenty thousand marks annually, was being diverted abroad for the benefit of foreigners, who did not scruple to employ their influence against the country whence their vast wealth was derived. Added to all this, the Religious Orders, freed from episcopal supervision, regarded themselves as belonging to a great corporation, having a

foreign head, and with interests and duties distinct from and often alien to those of the nation. The behests of the Pope were regarded as more binding than legislative measures. An *imperium in imperio* had been created: inimical to the well-being of society. By means of the confessional, of extreme unction, of the doctrine of Purgatory, and of sacerdotalism, a spiritual Reign of Terror prevailed. Men were constrained to enrich an ecclesiastical oligarchy, to the detriment of their own families, and to the injury of the Commonwealth. Clerical rapacity needed to be curbed, and clerical power kept within just limits, or the wealth of the country would have been drained away. Through its officials, spread over every district, Rome could interfere not only with what it chose to call Church property, but with that of the laity. The weak had no security, and the strong often found their strength insufficient to protect them against a scheme of systematic plundering. Proceedings of this nature became so shameless, that even the Papal Court, when the enormities of its doings were laid bare, felt obliged to admit that the case against it could not be met; but this had respect only to certain things done; not at all to the principle involved. The assumed authority for interfering with the rights of the Crown and of the patrons of livings was not given up.

Authoritative entries on the Rolls of Parliament show the pressing nature of the grievance. Legislative action was taken as early as 1350, by the famous Statute of Provisors of Benefices; the avowal of a stern national resolve not to yield to the Pope's usurpation of patronage. It recites in vigorous language the evils and abuses that had arisen, and former attempts to remedy them; notably the legislation of 1301, as mentioned in the seventeenth Chapter. As these measures had proved ineffectual, it was now enacted that the elections of Bishops and other dignitaries should be free, as of old, of any foreign interference; that the King, and all other persons within the realm having the presentation of spiritual offices, should exercise their rights unimpeded; that nominees of the Pope who disturbed the lawful occupants should be impeached and imprisoned until satisfaction was made, besides giving sureties not to repeat the offence and not

to sue out any further process at Rome or elsewhere. The meaning of this Statute was that the King and the Parliament resolved to be supreme in the land over matters ecclesiastical as well as temporal. The real point at issue was whether the Pope should have the power of appointing so large a proportion of the House of Lords as the Bishops and Abbots formed. In the following year a more decided step was taken by enacting that any one should be outlawed who purchased abbacies and priories; with those acting in the matter of obtaining such offices. The terrible penalties of Præmunire were decreed in 1353 against all who sued in foreign courts for matters cognizable in the Royal Courts. A blow was aimed at the jurisdiction arrogated by Rome, for the punishment was confiscation of all property, and outlawry. Further, in 1364, a Statute against Appeals to and Citations from Rome, inflicted for such acts the same punishment as was provided by the Statute of 1350; with the addition that suspected persons, failing to appear when charged, and after further warning for two months, were to be outlawed, and all their goods forfeited.

Even this severe measure failed. Rome would not relinquish her hold upon wealthy foreign benefices until absolutely compelled, nor would she abate one iota of her arrogant pretensions. Accordingly, in 1390, the famous Statute of Provisors was re-enacted, with still heavier penalties, including forfeiture of all property and "pain of life and member." The two Archbishops, acting under orders from Rome, protested against the measure, as tending to the restriction of Apostolic power and the subversion of ecclesiastical liberty. Their protest was unheeded. Two years later, the Statute of Præmunire was enacted in its ultimate and severest form:—"If any purchase or pursue in the Court of Rome, or elsewhere, translations, processes, sentences of excommunication, bulls, instruments, or any other things whatsoever, which touch the King, his crown, and realm, or bring or receive such things, they shall be put out of the King's protection, and their lands and tenements, goods and chattels, shall be forfeited to him." Although subsequently evaded at times, or suspended in its operation, like the Statute of Mortmain, this measure

effectually accomplished its intended object. In the strong hands of Henry VIII. it became a resistless lever and fulcrum for the overthrow of Papal supremacy.

CHAPTER XXVI.

THE ENGLISH LANGUAGE.

A.D. 1374–1399.

THE facts just recited show the determination of Parliament to withstand the avarice and meddling of Rome, and the strenuous attempts of the latter not to surrender the wealth and influence acquired by appeals to her supreme authority. Appeals had multiplied under the elastic provisions of the Canon Law, and were made to embrace almost every question, however trifling, that arose in domestic life, in business, and in politics, as well as in religious concerns. The delay in obtaining decisions was proverbial, and the fees were ruinous. Commissioners were appointed to confer with the Papal authorities, so as to establish a Concordat, and put an end to these perennial disputes. Wycliffe served on such an embassy in 1374, when he was sent to Bruges with John of Gaunt, Duke of Lancaster, the Earl of Salisbury, and others, to meet the Legates. The usual temporizing policy was adopted during a series of discussions spread over fifteen months; but no effectual remedy was devised. The English Legislature was forced to deal with the matter; as narrated in the last Chapter. What Wycliffe saw and heard produced a deep impression on his mind; as was the case afterwards with Luther's famous visit to Rome. Ere long, he was found exposing spiritual wickedness in high places. He continued to be the brave and patriotic Englishman; taking a prominent part in the old disputes between the civil and the ecclesiastical powers; but he became also in a marked degree the religious Reformer, because of his deepening convictions of the baseless claim of spiritual authority set up by Rome, and because of its corruptions.

As a reward for his services at Bruges, he was appointed one of the royal chaplains, and received a prebendal stall in the collegiate church of Westbury. He was afterwards presented to the living of Lutterworth, and the place is inseparably connected with his name. Prior to that, he had been parson of Fillingham, in Lincolnshire, for seven years, and of Ludgershall, in Bucks, for six years.

As is the case with all reformers, there was a gradual development in Wycliffe's views. In his earlier days, he taught doctrines which he afterwards abandoned, or modified, or opposed. His original quarrel was with the practices rather than with the theology of Rome. It is problematical whether his ultimate position was so advanced as some eulogists imagine. He is not to be held responsible for constructions forced upon his words. To claim for him the decided Protestantism of the sixteenth century is alike unjust and absurd. He cannot be gauged and measured by modern standards of orthodoxy. The marvel is, considering all the circumstances, that he should have emancipated himself to such an extent from opinions rendered venerable by antiquity and enforced by the highest authority. Like many another man, he "builded better than he knew." His habit of referring all disputed points to Scripture was so marked, even in the first authentic glimpses that are furnished of his career, as to obtain for him the popular appellation of Doctor Evangelicus. But no one would have been more surprised than himself to find the modern meaning of that word applied to him. In his days, a Lutheran Protestant, or a Puritan of the seventeenth century, or an Erastian of the Georgian era, still less a nineteenth century High Churchman or an Evangelical Nonconformist, would have been an anachronism and an impossibility. Even Luther and Melanchthon did not understand their great archetype. They thought him lamentably defective in knowledge of their cardinal doctrine of Justification by Faith. Dean Milman says that he destroyed, but built no new edifice. Archbishop Trench finds solace in the circumstance that the Reformation was not in Wycliffe's time, or of his doing; because "from a Church reformed under the

auspices of one who was properly the spiritual ancestor of the Puritans, the Catholic element would in good part, perhaps altogether, have disappeared. Milton, more truly, says,—"Had it not been for the obstinate perverseness of our prelates against the divine and admirable spirit of Wycliffe, to suppress him as a schismatic or innovator, perhaps neither the Bohemian Huss and Jerome—no, nor the name of Luther or Calvin—had ever been known; the glory of reforming all our neighbours had been completely ours." The precise fact is that Wycliffe no more thought of seceding from the Church of which he found himself a member than from the nation of which he formed a part. Reformation from within was his hope and aim. This continued to be the case for generations with earnest men: how vainly, Time alone was to demonstrate.

Then followed, amidst the stormy scenes in which the reign of Edward III. ended, a series of angry theological controversies; hot as the fabled fires in Tophet. The forces of the Church stood in serried ranks against Wycliffe, and the thunder of clerical artillery was heard. In 1377, he was cited to appear in St. Paul's, before Courtenay, Bishop of London, to answer for his opinions and teachings. It is significant, that their political and social bearings, not such as were theological, formed the ground of inquiry. The object was to reach John of Gaunt, through the Reformer, whom he had befriended for reasons of his own. His father was rapidly sinking. The heir to the throne was but a child. Gaunt was playing for his own hand. He and other self-seeking aristocrats designed, under cover of reforming the Church, to divert a large portion of its revenues to themselves. A powerful but factious nobleman who interfered with the liberty of Parliaments, who violated in the grossest manner the sanctuary of the Church—even instigating a murder in Westminster Abbey—and who encouraged corruption of every kind, was no real friend to Wycliffe, and, as the sequel showed, had no sympathy with his religious opinions and objects. Lancaster, with his worldly and selfish associates, only sought to bring down the arrogance of equally worldly and selfish prelates, in order to undermine their power

and to secure their wealth. They did not perceive that the challenge flung down by Wycliffe, in the doctrine of Dominion founded in Grace, opened wider issues. Greedy nobles delighted to have such a weapon placed in their hands for the purpose of cutting down their hated rivals among the prelates and the higher clergy; until they suddenly discovered that the weapon could be turned against themselves. The dominion, amounting to despotism, which they claimed over the peasantry, the compulsory services exacted, the scanty pay doled out, and sometimes withheld, did not seem to the wretched labourers to be in any way founded in grace. When the insurrection of 1381 broke out, the nobles found that they were playing with edged tools which cut their own hands. They abandoned the Reformers, and made common cause against what were held to be subversive and socialistic teachings. Nobles and prelates, landowners and clergy, banded together to form a party of resistance. Wycliffe was no longer likely to be useful; he was therefore ruthlessly flung aside, and the incongruous alliance between the religious enthusiast and the corrupt courtier was dissolved.

In the meantime, as it served Gaunt's purpose, he stood by the Reformer in St. Paul's, in 1377, with Lord Percy, the Earl Marshal. The scene has been frequently described, and has furnished a subject to painters. A wordy warfare, that might be designated vulgar and acrimonious, took place. The dignitaries in Church and State abused and threatened each other; Wycliffe remaining silent and passive. There was a popular tumult, with much noise and some broken heads: the crowd taking sides with the Bishop or the Duke, but chiefly against the latter. Nothing came of it, or of another appearance by Wycliffe in the following year before a Synod at Lambeth, as the result of a set of Bulls issued from Rome, by Gregory XI. (b. 1329, r. 1370–1378); the promulgation of which, however, was illegal in England. After an interval, there was a formal censure of his teachings at a similar assembly in 1382, and also in Convocation at Oxford. All that was done was to formulate numerous charges of alleged heretical opinions in his writings. He appealed to the King and the Parlia-

ment against his clerical judges, in 'The Complaint'; a remarkable document, re-stating the royal supremacy, which they had so long contemned. The censures proved harmless. Several of his devoted followers were reprimanded or suspended, but the Wycliffite party in the University was not put down for a quarter of a century, and then only by the severe measures of Archbishop Arundel; with the effect that its overthrow involved that of intellectual independence and research. For more than a hundred years, the history of Oxford was a record of almost continuous decline in learning, morals, and religion. But Wycliffe's character and attainments, his popularity in the University, and the protection of powerful friends at Court, secured comparative immunity for him during the short remainder of his life.

Another cause operated in his favour. The fierce dispute waging between Urban VI. and Clement VII., the rival Popes at Rome and at Avignon— a dispute known as the Western Schism, which broke out in 1378 — rendered the proceedings futile. Wycliffe was practically unmolested amidst the din of strife over personal issues. Both of the spiritual potentates had dubious titles. Each fulminated against the other the customary Bulls of denunciation. Each anathematized the adherents of the opposite side; giving them over to irremediable perdition. The unedifying spectacle was presented to the world, of a Church, claiming to be universal and infallible, rent and torn for nearly half a century by a contest for the Popedom. But it helped on the movement that culminated in the great religious revolt of the sixteenth century. The idea of the unity of Christendom was exploded. The convening of the Councils of Pisa, in 1409, and of Constance from 1414 to 1418, to heal the breach, and to end the scandal of rival Popes, was fatal also to the perpetuation of the Hildebrandist theory; for the Papal supremacy was thereby subordinated to the deliverances of General Councils of the Church. For a time, the restraint was cast off; but after the mighty storm of the Reformation had swept over Europe, the Council of Trent asserted its powers, and

effected some needful reforms. In Wycliffe's time, however, the struggle between the rival Popes was not merely for ecclesiastical dominion. Politics entered largely into it. The personal rivalries of sovereigns fomented the strife. France, Spain, Scotland, and Sicily recognised Clement VII. at Avignon, and his successor, Benedict XIII., who, though deposed by the Council of Pisa, remained in schism until his death, fourteen years later. England, Germany, and the rest of Europe adhered to Urban VI. and the Roman Curia. This quarrel explains why the proceedings against Wycliffe were inoperative. An earthquake that occurred in London, in the midst of his trial in 1382, filled his adversaries with consternation, and was regarded by them, as was usual in that day, as a solemn portent from Heaven. Wycliffe, on the contrary, interpreted it in his own favour, as he had a perfect right to do:—"Against the utterances of such false doctrines as those of the prelates and friars, when Christians are silent, the earth itself cries out."

His tract 'On the Schism of the Roman Pontiffs,' one of a series of homely but powerful Tracts for the Times, is among the most pungent of his writings. He compares the dispute to a quarrel of two dogs over a bone, and suggests that the European princes should take away the bone; that is, the temporal power of the Papacy. He was left more or less free for the two remaining years of his life, to carry on his work of preaching, teaching, and writing. He laid great stress on the first of these; as the early Friars had done. He sent out a number of graduates and undergraduates from Oxford, known as Wycliffe's Poor Priests. They have been described, not inaptly, as the Methodists of the fourteenth century. Their business was, not to administer the Sacraments, or perform any ritual, but to preach the Gospel, and to instruct the people in the elements of Christian doctrine and practice. Clad in russet garb of undyed wool, with unsandalled feet, and dependent entirely for support upon such kindness as they might receive, they traversed the country, addressing in homely English speech all who would listen to them, in the city streets, by the roadside, on the village green, in markets and fairs, and in churches,

when these were accessible. Their colloquial discourses and pungent invective aroused attention. Prelatical authority and vested interests became alarmed. Possibly these earnest enthusiasts were not always wise. Their treatment of existing abuses was free and bold. A Proclamation, designed to have the force of law, was issued during the minority of Richard II. for the suppression of heresy. When attempts were made by the clerical party to enforce this pseudo-enactment—which still finds a place among the earlier Statutes—the Commons in Parliament declared that it had never been submitted to or sanctioned by them, and that they did not intend to subject themselves to the Church in any other way than their fathers had done. Not yet were the fires of persecution to be kindled in England, although they had raged furiously on the Continent for more than a century.

Wycliffe himself was busy during these stirring times. He wrote tracts and pamphlets on the controversies then waging. They are practical moral treatises, rather than theological; dealing with social and clerical abuses, like those that had formed the theme of the satire of Walter Mapes, two hundred years before, or of that of the 'Vision of Piers Ploughman.' Many other tracts conjecturally assigned to Wycliffe belong to a much later period; among which, it is almost certain, is 'The Last Age of the Church.' Those of which he is unquestionably the author are so numerous as to awaken astonishment at his zeal and industry. They are couched in bold, simple, nervous language, abounding in idioms and imagery such as the common people could understand. Copies were multiplied by transcription, and widely disseminated. Wandering scholars carried his Latin works all over the Continent, where his doctrines were eagerly received; especially in the new University of Prague, in Bohemia. Founded by the Emperor Charles IV., on the models of Paris, Bologna, and Oxford, it speedily attained to European eminence; attracting to itself, while sending forth to other centres, the commerce of learning. The marriage of Richard II. and Anne of Bohemia brought further intercourse between the two countries, and the Queen was sup-

posed to be not unfriendly to the new doctrines. They had spread in Bohemia under the teaching of such men as Conrad of Waldhausen, Milicz of Kremsier, Adelbert Ranconis, and John of Stekna; all of whom protested against clerical corruption, and paved the way for the definite teaching of John Huss and of Jerome of Prague. The latter, on his return from studying in Oxford, took with him Wycliffe's theological writings, in 1401. Huss had already copied for himself some of the earlier treatises, and through their teachings became the Reformer of Bohemia. All attempts to interdict them, and to stop the circulation, were in vain; as in 1410, when more than two hundred copies were seized and burned; followed, five years later, by the burning of Huss. His spirit and teachings survived in the Unitas Fratrum, or Moravians, as they were called in a later day, and then in the Waldensians of Dauphiné and Piedmont. All of these stand in the line of spiritual succession from Wycliffe. Jerome of Prague also met with a fiery doom in 1416. In the case of Huss, it was not only a martyrdom, but a murder; for he went to the Council of Constance under the protection of Wenceslas, King of Bohemia, and with the safe-conduct of the Emperor Sigismund, both of which were violated, on the impudent and immoral maxim, so long acted upon and gloried in by Rome, that no faith could be kept with heretics.

In his 'Wicket,' which has often been republished, Wycliffe appeals in homely vernacular in support of the supreme authority of Scripture. He speaks of the great temptation the faithful are under to leave the strait gate and the narrow way, and to wander in the large and broad way of a belief in Transubstantiation. The conception of human life as a pilgrimage, with Heaven as a goal, has always been popular. It was especially so in a time when men had not learned the dignity and worth of the present life. He fearlessly attacked the avarice of the clergy, and contended for their moral fitness. He disapproved of the practice of private auricular confession. He rebuked the presumptuous dogma that without extreme unction no man could be saved. He denied the Pope's power to bind and loose; and his claim to be the Vicar of Christ or of St Peter. Thus he cut at the root

of sacerdotalism, and, perhaps unconsciously, enunciated principles that were to have their full development in after ages. He renewed his attacks upon his old enemies, the Mendicant Friars, who, in the punning style of that day, called him Doctor Wicked-believe ; and whom he charged with being the reverse of all that they pretended to be. He made their likeness to Satan to consist in their peculiar hypocrisy. His 'Trialogus,' issued towards the close of his life, is a Latin dialogue between Falsehood, Truth, and Good Sense, on the Deity, the spiritual world, the virtues, and ecclesiastical doctrines and institutions. In this work, intended for the learned, he advanced by bold steps, and declared the Roman Pontiff to be Antichrist ; ridiculed the adoration of saints ; asserted the mediatorial office of Christ ; assailed sacerdotalism ; and condemned the superseding of Scripture by tradition, and the granting of Indulgences. On the Eucharist, he opposed the dogma of Transubstantiation, and asserted that though sacramental effect took place on the consecration, yet that the bread and wine were only sacramentally, that is, mentally and spiritually, changed. He believed in a Real Presence, without a change of substance. In renouncing that cardinal and central doctrine of the Church, which had been generally accepted for more than five centuries, and formally and authoritatively laid down for three centuries, fortified by all the subtle learning of the Schoolmen into a citadel of priestly power, he took the most decided step in his career as a Reformer. To deprive the clergy of the power of working the daily miracle of "making the body of Christ," according to the accepted, orthodox phrase, was a vital attack upon the prevalent Church system. He may not have foreseen the logical issue, which was nothing less than the great religious revolt of the sixteenth century that severed England, in common with most of the Teutonic nations, from the Romish Church, and, long afterwards, led to full civil and religious freedom.

Wycliffe's crowning task was the superintendence of a translation, for the first time, of the whole of the Bible into the English tongue. Portions had been so rendered from the Latin by Alcuin (725-804), Ælfric, Archbishop of York (1023), and others ; besides various glosses since

the time of Bæda; but there was no complete prose translation. The early versions had grown obsolete, where they were not forgotten or destroyed. The Psalter was the only part fully extant. The great design appears to have been slowly maturing for a lengthened period in the mind of Wycliffe, but was not actually accomplished until after the year 1380. Necessity was laid upon him, because of the profound ignorance of the Word of God among the people. He had the assistance of able coadjutors, like Nicholas Hereford and John Purvey; the latter of whom issued a further revision after Wycliffe's death. Even so, it was a prodigious literary achievement for such an age, and in the midst of his polemical warfare. To him may be applied, in the words of his own version, what is said ('Ecclesiasticus.' i. 6, 7) of the son of Onias:—"As the dai sterre in the myddes of a cloude, and as a ful moone schyneth in hise daies, and as the sunne schynynge, so he schynede in the temple of God." The rendering is from the Latin Vulgate; and the double process of translation explains the peculiarities of inflection and many apparent contrarieties. Yet there is, in the main, substantial agreement with later versions; as may be seen by a comparison, and allowing for changes in orthography. The translation is of special interest as presenting a strong colloquial English element; the idiom and the structure being such as were commonly used by the people of that day. The version is not difficult to read, though many of the words, and especially some phrases in the theological nomenclature, are obsolete, and few of the expressive compound words have survived. The New Testament was first completed. About one hundred and fifty manuscript copies, in various sizes, of the different issues, with slight variations, are still preserved in the University Libraries of Oxford and Cambridge, in some of the older Cathedrals, in the British Museum Library, in that of Trinity College, Dublin, and elsewhere. Particulars are given by Forshall and Madden, in their elaborate preface to the edition of this great work issued in 1850 from the Oxford University Press, which also contains the most complete and valuable account extant of earlier manuscript versions.

The translation thus made was eagerly sought after. Copies, either of the whole, but more often of separate books, passed into the hands of all classes, excepting the very poor, and were eagerly read or listened to. Most of them have perished, not only, and perhaps not chiefly, from use or the lapse of Time, but from the rigorous measures taken for their suppression early in the fifteenth century. To issue the Scriptures in the vernacular was regarded as an act of deadly heresy. The Wycliffite versions continued to be proscribed until the Reformation. The fact of possessing them, or any other writings which spiritual despotism chose to stigmatize as heretical, was sufficient in many instances to ensure a fiery martyrdom. Knighton, the Chronicler, expresses the opinion of most of the clergy when he thus denounces Wycliffe's work:—"In this way the Gospel pearl is cast abroad and trodden under foot of swine, and that which was before precious, both to clergy and laity, is rendered the common jest of both. The jewel of the Church is turned into the sport of the people, and what had hitherto been the choice gift of the clergy and of divines, is made for ever common to the laity." Apart from its religious aspect, this great work has an abiding and peculiar literary value. It helped materially in a time of transition and formation to enlarge the national speech. Wycliffe was part creator of a vocabulary. He is the father of modern English prose. His translation forms a conspicuous landmark in our literary annals. There were other labourers in the field, like the problematical Sir John Mandeville, whose curious alleged 'Travels' were mentioned in the nineteenth Chapter, and whom Professor Henry Morley calls "our first prose writer in formed English;" but Wycliffe is far more entitled to the appellation. Momentous consequences have resulted from the fact that the first truly popular literature in England, and the first that stirred the hearts of all classes, as is set forth in the next Chapter, filling their minds with ideal pictures, and their every-day speech with apt and telling phrases, was this untold wealth of Biblical literature. It supplied the place which in modern times is filled by poem and essay, by novel and newspaper, by review and scientific treatise, by lecture and public meeting. As

compared with Tyndale's great work, a century and a half later, the influence was inferior, only because of the laborious process of transcription, prior to the Invention of Printing; but what may be regarded as the Biblical phraseology which Tyndale perpetuated and extended, and which is embalmed in the Authorized Version, took its rise in the English form from Wycliffe's rendering out of the Latin Vulgate.

No arbitrary date can be assigned to the formation of what is popularly called the English language. It grew up consentaneously with the free institutions of the country. In its Saxon form, and allowing for local dialects, it continued to be the popular speech down to the time of Richard I., if not later; although many Norman-French words had been introduced, because this was the language of the Court, as Latin was of the learned. There was a process of slow development, but the names of common objects remained the same, and, allowing for inevitable mutations in form, it is certain that numerous old expressions lingered among the peasantry for generations. They can still be traced; and the original vocabulary exists, in substance, in large portions of the English Bible. The barons used the speech of their ancestors, even after they had learned to take pride in the name of Englishmen. Ranulph Higden, writing in the early part of the reign of Edward III., asserts that "gentlemen's children are taught to speak French from the time they are rocked in their cradle; and uplandish"—*i.e.*, country or inferior—"men will liken themselves to gentlemen, and learn with great business to speak French, to be the more told of." Though this was the usual language of the upper classes, it by no means follows that they were ignorant of the English tongue. Men living upon their estates, surrounded by their tenantry, were not likely to permit such a barrier to exist against personal intercourse. The administration of justice, in the local courts, rendered essential a knowledge of the vernacular speech. Its compulsory use in judicial proceedings, as already pointed out, dates from 1362. With Edward III., "Peace had her victories no less renowned than War"

His magnificent additions to Windsor Castle express the architectural growth and some of the intellectual influences of an age that witnessed the advent of Chaucer and Wycliffe, and the settlement of the English language. It was fitting that the popular speech, thus enlarged and ennobled, should become the vehicle of legislation. The Parliament of 1365, was opened with a speech in English, and there are in Rymer's 'Fœdera' several proclamations of Edward III., in which the people are incited against the King of France, by imputing to him a design to conquer the country and to abolish their language.

Numerous translations of foreign metrical romances, made during this long reign, prove that the native tongue, in its altered and expanded form, was in familiar use. As showing the changes since the time of Higden, in less than two generations, John of Trevisa, writing in 1385, says expressly: "In all the grammar schools of England, children leaveth French, and construeth and learneth in English. Also gentlemen have now much left for to teach their children French." The pronunciation, especially of the vowel sounds, was broader than in modern times; and many words to be met with in Wycliffe and Chaucer, and in common use even in the time of Shakspere and Spenser, have become obsolete, or have acquired a secondary meaning. The author of the 'Vision of Piers Plowman' was a valuable contributor in the work of fixing and widening the speech of the common people. They read with delight, or eagerly listened to the recital of his mingled strains of devotion and irony, and his vigorous denunciations of corruption and injustice. Another and a greater writer of the age was Geoffrey Chaucer—the name, like many others in England, originally signifying a trade, and, in this case, that of a hosier, or, sometimes, a shoemaker—the Father of English Poetry, as he is termed by Dryden, although with marked inaccuracy. Rhyme had made its appearance shortly after the Conquest, if not then already known; and it had become more popular than the Old English alliterative versification. Chaucer, strictly speaking, was by no means the earliest of the English poets. They are to be traced far back into

Saxon times. But he is the exemplar of English poetry in its new and abiding form; raising it to a height of excellence which was admired and imitated by contemporaries and followers. He writes, not for one order, or on one set of topics, but, like his great successor, Shakspere, for all classes, gentle and simple alike. He was master of its science, its theology, and its literature; which he did so much to create. Tennyson describes him as—

> "The first warbler, whose sweet breath
> Preluded those melodious bursts, which fill
> The spacious times of great Elizabeth
> With sounds that echo still."

Chaucer is the great story-teller of the language; an English Boccaccio, with not a little of the coarseness of his Italian prototype, but with a general healthiness of sentiment and fancy all his own, "married to immortal verse." He supplies many of the modern forms of metre, and his great facility in rhyme was owing to his free adoption of Anglicized French words. His earlier writings, such as 'The Flower and the Leaf,' over which a keen controversy still wages, and the authentic portion of 'The Romaunt of the Rose,' like the French fashions then prevalent, are gorgeous allegories that appeal to the fancy; while his later works, especially his 'Canterbury Tales,' are vivid and abiding portraitures of the age. His poetry reads like history; because of the intense realism of his style. He contributed largely to open up what has ever since been known by Spenser's phrase, as "the well of English undefiled." Chaucer is supposed to have been born between 1330 and 1340, in London; where most of his life was spent in official business. The son of a vintner, he became attached to the household of Lionel, Duke of Clarence, third son of Edward III. Afterwards he accomplished several diplomatic missions to Italy, France, and Flanders. He saw many men and cities, and witnessed imposing ceremonies in Court and Church. These visits gave direction and colour to his literary tastes, for he became conversant with the writings of Dante and Boccaccio, and not improbably made the acquaintance of Petrarch, at Arquà, near Padua. He

held various lucrative offices; such as Comptroller of the Customs of Wools, and Clerk of the King's Works at Westminster; besides being the recipient of sundry pensions; but payment was frequently interrupted, owing to the troublous times.

Chaucer's poetry marks a literary epoch; although his vernacular seems strange and uncouth to modern readers. It has been well said concerning him that, after the dramas of Shakspere, there is no production of man that displays more various and vigorous talent. Professor Skeat has issued a complete and scholarly edition. Russell Lowell's essay, in 'My Study Windows,' gives a just estimate of Chaucer's powers. In the 'Canterbury Tales' are singled out for description, among others, the knight, the yeoman, the squire, the prioress, the monk, the friar, the merchant, the Oxford scholar, the lawyer, the physician, the tradesman, the cook, the shipman, the clothier, the parish priest, the miller, the reeve (steward), the manciple (house-steward), the apparitor, the pardoner, and the sumpnour; types of the persons who went on pilgrimage. His descriptions of the members of the cavalcade are interesting and valuable as furnishing particulars of the domestic life of England towards the close of the fourteenth century. All that stirring and gaily-apparelled time is seen as in a magic mirror, reflecting the daily manners of every class. For historical purposes, and to English readers, it is worthy to be compared to the famous "tale of Troy Divine." With him must be associated John Gower, his personal friend, to whom 'Troilus and Cressida' was dedicated. Chaucer styles him "moral Gower"; and the epithet, continued by Lydgate and others, has become indissolubly linked with the name. The date of his birth is unknown, but he died in 1408, eight years after Chaucer, and was interred in St. Saviour's, Southwark. A voluminous writer, his best known work is the 'Confessio Amantis'; a poem of portentous length, which discusses the morals and metaphysics of love. Like all his writings, it is heavy and prosaic. He was learned, fluent, and harmonious; his language is lucid, and sometimes forcible; he is grave and earnest, but lacks brilliancy and imagination, and is never profound. He

is wholly conservative, and is always looking back. After this period, the national Muse was silent, during the French Wars and the Wars of the Roses; unless dubious exceptions be made for Thomas Occleve (1370–1454); John Lydgate (1375-1460), who has frequent references to his "maister, Chaucer," and always speaks of him in terms of affectionate reverence; and, finally, John Skelton (1460–1529), Wolsey's censor.

Wycliffe's great task was accomplished. He had been cited to Rome by Urban VI., to answer for his opinions; but the summons came too late. Two years before, he had been seized with paralysis, and his general health had greatly suffered in the interval; but his zeal and labours were unabated. In the closing days of 1384, he had another attack, while attending Divine service in his church at Lutterworth. Within two days he was at rest. His adversaries boasted, with the confidence of bigots who are so prone to arrogate the interpretation of Providence, heedless of Divine teachings about the Tower of Siloam, that he was "suddenly struck by the Judgment of God." Thirty years later, when the fell spirit of persecution again burst forth, the Council of Constance took an impotent revenge on the English Reformer. Certain propositions selected from his writings were condemned as heretical. His memory was theatrically consigned to infamy and execration. An order was issued that his body and bones, "if they might be discovered, and known from the bodies of faithful people, should be taken from the ground and thrown away from the burial of the Church." In accordance with this petty malignity, prompted, perhaps, by a fear lest the tomb should become a shrine, a crowd of officials swooped down upon the churchyard; and what were conjectured to be the remains were exhumed, committed to the fire, and cast into the adjacent brook. This was done under the directions of Fleming, Bishop of Lincoln; who founded Lincoln College, Oxford, with the express purpose of arresting the current of heresy. As Fuller quaintly says, in a well-known passage,—"Thus this brook has conveyed his ashes into the Avon; the Avon into the Severn; the Severn into the narrow seas; and they into

the main ocean; and thus the ashes of Wycliffe are the emblem of his doctrine, which is now dispersed all the world over." A similar posthumous indignity was offered in 1538 to the remains of Becket. The fierce flames of persecution, fed by theological hatred, could not bring to light any moral defects and inconsistency in Wycliffe. His austere and exemplary life defied the attacks of calumny. According to John Foxe's account, Archbishop Arundel said, on William Thorpe's trial for alleged heresy:—"Wycliffe, your author, was a great clerk: many men held him a perfect liver." He was never charged with pride, self-interest, or self-indulgence. Considering the age in which he flourished, and the exceptional circumstances of difficulty in which he was placed, this learned, observant, courageous man stands forth as a remarkable illustration of self-abandonment in the pursuit of a lofty purpose. Though the ecclesiastical edifice of the Middle Ages stood for one hundred and fifty years after his death, it was undermined and honeycombed; and at length the crash came.

Much diversity of opinion prevails as to the origin of the name of the Lollards. It has been fancifully, and in a metaphorical sense, supposed by Mosheim to be derived from the German *lollen;* "to sing in a low voice, and slowly;" as in dirges. Conjecture has traced it to one Walter Lollardus, a German Reformer, who was burned at Cologne in 1322. With more probability, it comes from the Latin *lolium;* or "tares." In this sense it is used by contemporary writers as an epithet of scorn against those who were regarded as disfiguring and choking the garden of the Church. Whatever its origin or primary signification, it was employed at the end of the fourteenth century as a mark of contumely: just as Puritan, Quaker, and Methodist were employed in later times; or the Cathari of the Eastern Empire; or as the word Christians was invented at Antioch as an epithet of derision. "Nicknames," said Napoleon, "should never be despised; it is by such means mankind are governed." Lollardism was the product of the labours of Wycliffe and his Poor Priests. So assiduous and devoted were they, that the teachings of the Reformer spread all over the country before the end of the century. The common

complaint of the ecclesiastical authorities, as expressed by Knighton, the contemporary Chronicler, in what must be regarded as a rhetorical exaggeration, was that "every second man one meets is a Lollard." This was said to be the case, not only with the peasants, but in the cities, and among the trading classes: while adherents were to be found in monasteries and parish churches, and many in the Universities. As a system, Lollardism never became an organized movement. So far as it had defined principles, they may be said to have been the assertion of the supreme authority of the Bible as a rule of faith and practice, and the substitution of the individual religious life for a dogmatic and official ecclesiasticism.

Few characteristics of mediæval manners differ more widely from modern usages than the apparent coarseness of speech, and the freedom with which persons of both sexes, of every rank, age, and pursuit, garnished their language with vows to saints, with familiar appeals to Deity, and with profane allusions and imprecations. Trades, vocations, diseases, accidents, bodily members, appetites, desires, had their tutelary saints, whose aid was invoked in emergencies, or formed the subject of exclamations that were absurd where they were not blasphemous. Chaucer's Prioress was so dainty a lady that "hire gretest othe n'as but by Saint Eloy"; but, with one exception, his other characters were bold and vehement swearers. The Miller's Wife of the 'Canterbury Tales' swears by St. Thomas of Kent; the carpenter by St. Frideswide; Nicholas by "Goddes corpus"; Gerveis by "Christes foot," or "Christes sweet tree"; the sumpnour by 'Goddes arms two." Among other oaths of the merry travellers are "nailes and bloode"; St. Thomas of India; St. Ronion; "Goddes dignitie"; "Christes sowle," and so forth. The only one to protest or to express disapprobation is the poor and pious parson; whose reward is to find himself suspected as a favourer of Lollardism. Its adherents were always exposed to insult and reproach for what was regarded as their narrowness and precision. They were noticeable for simplicity of dress, for sobriety of language, for the

avoidance of frivolity and profanity, and for a spirit and bearing, that excited a charge of hypocrisy among the unthinking. They carried their views of the sufficiency and completeness of the Scriptures so far that they conceived them to be the only sure guide. It was demanded that the ritual of the Church, as well as its theology, should rest upon Scriptural grounds. When the lawfulness of any ecclesiastical usage was in debate, they would demand the revealed authority for it. They also applied their principles to social questions; preaching against corruptions in the State as well as in the Church. Their labours before, during, and subsequent to the grave crisis of 1381, explain in a great measure the passionate attachment of the common people to Lollard tenets, which continued throughout the next century, and paved the way for the Reformation.

Strenuous attempts were made to put down Wycliffeism in England; but the fire smouldered: breaking out ever and anon. The artisans of the towns and the labourers of the country-side identified their emancipation from villenage with the Lollard teachers; and looked to them in connection with liberties ardently hoped for. These obscure and unknown people harboured the Poor Priests and welcomed their doctrines; just as they secreted fragments of the Bible and Wycliffe's tractates, because in these were to be read the charter of their liberties and hopes. There is an unbroken continuity traceable between Lollardism and Puritanism. The latter is not to be accounted for wholly or chiefly by the Genevan experiences of the Marian exiles, or by the influence of Luther or of Calvin. These had their influence; but the root-cause is much older. Wycliffeism is the true father of English Protestantism. It spread and grew throughout the Midland and Southern counties, but especially in the four Eastern counties—then among the most populous parts of the country—because the soil had been prepared of old by the Poor Priests. The same districts furnished also the largest number of victims during the Marian persecution; showing how the Lollard teachings had borne fruit.

The religious ferments continued and increased

Some persons of high position identified themselves with the Lollards; probably from political reasons. In May, 1394, a petition presented by the Commons in Parliament set forth certain complaints against the clergy, and prayed for redress. Under twelve heads were recited the misappropriation of revenues: the character of the priesthood, and the scandalous irregularities arising from celibacy; the pretended miracle of Transubstantiation; the use of exorcism and of prayers for the dead; the abuse of pilgrimages and of auricular confession; the judicial functions arrogated by prelates; and the pride and luxury caused by unnecessary trades. This petition is the more remarkable because of its varied topics, and the boldness with which they are set forth. They were not all of equal importance. Some may seem to modern readers to be unworthy of complaint. But to the men who thus petitioned, the evils were terribly real and oppressive. No surprise can be felt that they had not attained to ultimate truth on all the points indicated. It was the shadowing forth of a dispute which the strong arm of authority, ceaselessly exerted for generations, could not silence or suppress. The prelates used their influence with the King, who sharply rebuked and threatened certain noblemen suspected of favouring Lollardism. An oath of abjuration was enforced. Pressure was also brought to bear upon preachers known to be adherents of the new dogmas; and some were persuaded or compelled to recant the alleged heresy. Particulars like these furnish connecting links in the chain of ecclesiastical affairs, between the detailed statement which has been furnished respecting Wycliffe, and the account to be given in a future Chapter of the commencement of an era of persecution, when, as J. R. Green remarks,—"The religious revival of the Lollard was trodden out in blood; while the Church shrivelled into a self-seeking secular priesthood." Never had her hold upon the people being feebler, or her wealth greater; and never did she show herself so impotent for the discharge of high and holy duties to mankind.

CHAPTER XXVII.

THE PEASANTS' RISING, AND SOCIAL UPHEAVALS.

A.D. 1377–1399.

It is impossible, in considering this critical period, or any part of English history during the Middle Ages, to separate political matters from such as were theological; for they mutually re-acted. Englishmen were face to face with a pressing emergency, and they could not waste time in disputatious logomachy as to where the temporal power ended and where the spiritual began. A distinct line of cleavage first appears in the time of Elizabeth, with the early Separatists. In the Plantagenet era, this was not dreamed of. So intimate and vital was the connection between things secular and things sacred, between the priesthood and the nation, that ecclesiastical and civil affairs were inextricably blended. The rulers in Church and State, in pursuance of their custom in every age and country, denounced as heretics those who sympathized with the new religious ideas; and as seditious all who shared in the political aspirations of that period. In a restricted sense, they were right. There was not in the time of Wycliffe one movement distinctly and avowedly religious, and another as markedly political. The Reformer himself was, doubtless, more influenced by the spiritual side of the agitation; but it gained force and impetus out of political and social conditions as much as from the corruptions of the Papacy. The time was one of agitation, inquiry, and transition. Men's minds were in a state of expectancy and preparedness. They were beginning to think for themselves, instead of meekly submitting to authority. Not even the most sagacious could forecast the nature and extent of impending changes in social, political, intellectual, and religious matters. The instincts of prelates and courtiers perceived that their respective crafts were in danger; like the makers of the silver shrines for the goddess Diana at Ephesus. It was really the beginning of the end, so far as regards that era. The final consummation was not

effected for nearly two hundred years. The history of those two centuries furnishes numerous signs of the deadly struggle waged between the Protective Spirit, feudal tyranny, vested interests, and hierarchical pretensions, on the one hand; and commercial freedom, human rights, the spirit of inquiry, and individual judgment on the other hand. There is a far-reaching and closely-wrought network of causation in human affairs. Various instruments work unconsciously on parallel lines in maturing great schemes of development. Wycliffe was toiling at the foundations. Subsequent labourers reared the superstructure. The excitement aroused, and the impatience with prevalent suffering, drove many further than he contemplated. His followers could not be prevented from mingling in the social fray.

The Poor Priests whom he sent out—even admitting that some were ignorant fanatics—did much to arouse the popular mind. Portions of the Scriptures, hitherto a sealed book to the multitude, had been slowly reproduced by copying and passed from hand to hand. Old people learned to read, so that they might peruse these wonderful and fascinating stories. They were repeated in hovels and in the fields; in the town market-place and in the country fair. Doubtless they lost nothing in the narration; nor did the people fail to catch the modern significance as they listened or read, or as the impassioned speech of the Poor Priests fell upon their ears. It was, in the highest sense, a new revelation to them. While they appealed to it as the Divine standard of correct thinking and pure living, they also discovered the treasures of a noble literature. Expressed in their own idiomatic and colloquial speech, were stirring history and biography; legendary lore and moving miracle; profound metaphysics and pithy proverbs; practical theories of human life; pathetic stories of human suffering; magnificent instances of heroism; pæans of victory over self and sin; psalms of unrivalled grandeur; pastorals of tender beauty; sublime visions; bold prophecies, and parables such as all could understand. For the first time, men heard about the simple life and the humble trust of patriarchal and early Christian ages. They were moved by the record of Divine anger

and vengeance against powerful kings and rulers, who oppressed the people and ground the face of the poor. Indignant protests against wrong and cruelty, uttered by ancient prophets, aroused a responsive chord in men and women whom no human eye pitied and no human hand helped. People like themselves had suffered in the ancient days; but the arm of the oppressor had been broken and the captives set free.

Pride, worldliness, hypocrisy, and formalism had been denounced in scathing words by One who claimed to be the Friend and the Deliverer of the human race. Of Him it was recorded that the common people heard Him gladly. He brought glad tidings to the poor and meek, and declared the opening of the prison to them that were bound. He made known the Fatherhood of God and the Brotherhood of men. He was the Protector of the defenceless and the Hope of the despairing. He inaugurated the reign of equity, mercy, and peace. Marvellous and thrilling words were read from the Sacred Page, and enlarged upon by these plain and practical expositors, about human rights, and liberties, and hopes. The application may have been somewhat strained. The vivid colouring of Oriental speech gave an intense realism to the whole. In the face of persistent attempts to drag the serfs back and down to the old bondage, it is not surprising that exhortations to resist, even by force, fell upon willing ears. The influence of these itinerant preachers was deep and wide-spread. The effects were speedily seen in the social upheaval that broke out. The Ordinances and Statutes of the time report their habits and speech; describing them as of austere aspect and having the "dissimulation of great holiness." They had not the licenses with which regular preachers were furnished by the bishops. They were charged with preaching "divers matters of slander, to engender discord and dissension betwixt divers estates of the realm, as well spiritual as temporal." Sheriffs and other officers were enjoined to watch with care for such persons, and to send them to prison. Moreover, the ballads of the time, well known and popular, narrated, in limping metre, but with vigour and humour, the doughty deeds of men like Robin Hood, Friar Tuck, William of Cloudesley, Clym of

the Clough, Little John, and others, who are supposed to have lived the free and merry life of outlaws in Sherwood and Inglewood Forests. Myth, tradition, and fancy largely mingled in these songs and stories; but their effect was none the less marvellous.

In all periods of great discontent with existing forms and conditions of society, an extreme party arises, advocating principles which in modern times have received the name of Socialism. Doctrines closely resembling this, if not identical with it, were preached to the populace early in the reign of Richard II. by men of ardent temperament, who had embraced the reforming principles of Wycliffe, and had subsequently thrown themselves into this agitation. The wide area over which it spread, the marvellous rapidity with which the news circulated, the informal but effective communication opened up with distant places, the sudden rise of the movement, its equally sudden apparent collapse, with the abiding results that grew out of it, are noteworthy phenomena. That the evils complained of by the infuriated peasantry were no longer endurable, and that their cup of bitterness was full to overflowing, cannot be doubted, on a dispassionate examination of all the circumstances. Enough has been stated already, in the ninth and in the twenty-second Chapters, to show what was their actual condition. The existence of such intolerable wrongs excused, if it did not vindicate, the chronic discontent which only awaited an opportunity to break forth into revolt. The waste of the French wars; the ruin caused by repeated attacks of the Pestilence; the extravagance of the Court; the notorious misrule and oppression of the great men; the pinching want of the poor, and the newly-aroused sentiment concerning the clergy, contributed to bring about the popular rising of 1381. Complaints were made in Parliament that many villeins withdrew from service, and "gathered themselves together into great routs," agreeing that every one "shall aid others to resist their lords with strong hand."

When the actual outbreak occurred, the chief demand was for the abolition of slavery. This was no sentimental grievance. It was not even a hardship that might be mitigated or neutralized by other conditions; such as

abundance of food and light labour; even if these had prevailed. Copious details have been already given, but it is needful to repeat that, since the Black Death, persistent attempts had been made to re-impose the bonds of domestic slavery, which had become relaxed by circumstances. Many of the services exacted from villeins were galling in the extreme. They were subjected to new, arbitrary, and unjust exactions. Complaints in the local courts were useless; because the authors of the wrong were usually the judges. The peasant was legally tied to the place where he was born. If permitted to live elsewhere, it was only by paying a tax to his lord. He was held in a state of irksome servitude. From petty oppression and tyranny he had no escape. He was plundered with impunity by his lord, and heavily taxed by the royal officers. Security for life, liberty, and property was precarious. Everything that he had or did was on sufferance. He could not legally inherit, or become plaintiff in an action. It is doubtful whether his testimony was accepted in a court of law. His daughter could not marry without license and fine. He could not apprentice his children to a trade, unless he purchased their freedom; and this depended on the caprice or the necessities of the lord of the soil. Consent might be arbitrarily withheld, even if the villein was able and willing to pay. His grain must be ground only at the lord's mill, and at the price he chose to fix. The literature of the time abounds in incidental references to the villein. He is contemptuously styled "doggish," "swinish," and hating all "gentility." One writer asks,—"Why should they eat beef, or any other dainty food? They ought to eat for their Sunday diet nettles, reeds, briars, and straw; while pea-shells are good enough for their everyday food." Other writers represent the entire class as incapable of telling the truth, and as utterly devoid of gratitude. A proverbial expression was, "Do good to the villein, and he will do evil to you."

The long-repressed cry of the poor found articulate utterance, soon after the Black Death, in the words of "a crazy priest in the county of Kent, called John Ball." He is so described by the chivalrous and perfumed Froissart. He adds that Ball—who, however, lived

chiefly in Essex, not in Kent,—"for his absurd preaching, had thrice been confined in prison by the Archbishop of Canterbury." But he would not be silenced. More than any one else, he was the head and inspiration of the movement. Whenever he was at large, he traversed the country and addressed crowds of yeomen and peasants; denouncing the tyranny of lords and prelates; asserting popular rights; and declaring in colloquial phraseology the Gospel as taught by the Lollards. He was particularly bold in exposing the injustice of the methods for levying tithes, and the actual slavery that prevailed in Essex, where people were sold like cattle. "By what right are they whom we call 'lords' greater folk than we? Why do they hold us in serfage? They are clothed in velvet, and warm in their furs and ermines, while we are covered with rags. They have wine, and spices, and fair bread, and we oat-cake and straw, and water to drink. They have leisure and fine houses; we have pain and labour, the rain and wind in the fields. And yet it is of us and of our toil that these men hold their state." Granting that this was Socialism and Levelling, the spirit of angry resistance was excited, then as always, by the selfishness and injustice of the propertied classes. A popular rhyme of the day asked—"When Adam delved and Eve span, who was then the gentleman?" Quaint jingle of this kind was freely circulated in manuscript or by word of mouth; the precursor of the political pamphlet of after ages. The charges against John Ball, of being an incendiary preacher and a mad fanatic, are absolutely devoid of foundation. They were recklessly made by hireling scribes who sold their facile pens to the ruling classes. The story of men like John Ball, Wat Tiler, Jack Cade, and others who became the mouth-piece of the mute, suffering, helpless, and oppressed multitude, has been told by men who had no sympathy with popular rights. Their evidence is untrustworthy; being tainted by prejudice and hatred.

Ball seems to have been deeply moved by the condition of the people. His main counsel was that they should appeal to the King for justice. Nor was he by any means alone in his advocacy. To this period must be assigned the 'Vision of Piers Ploughman,' ascribed to William

Langland; conjectured to have been a monk of Malvern. This poem was written, judging by internal evidence, about 1362; for it contains allusions to localities and events connected with that year. The writer, if not a Wycliffite, was in sympathy with the Reformer. It is a work of exceptional power and elevation of sentiment, and throws a vivid light upon England and the English of the time. Its value as a picture of society is greater than its poetical merit. The author was aroused to indignation by the degeneracy of the prelates, the venality of Rome, the King's neglect, the robbery of the poor by the great lords, and the general disorganization of society. He urges with seriousness what Chaucer was urging with equal earnestness, but with a lively wit, brightened by a courtly residence. Nothing reveals so vividly the social gulf between the rich and the poor than the contrasted style of these two writers. The language employed by Langland, though rough and coarse, is that used by the country-folk of the time; plain, colloquial, vigorous, pungent, descriptive, and terribly realistic. Without intentional rhyme, but in the alliterative manner of old English verse, this national poet addresses himself to the humblest by means of an allegory; as John Bunyan did three centuries later. Unlike the 'Pilgrim's Progress,' however, the spirit of 'Piers Ploughman,' is chiefly satirical. Both writers knew their power; both measured the tastes and capacities of the people; and both were successful in a marvellous degree in arousing attention and in swaying a benignant influence. The familiar homeliness, simplicity, and directness of both found a way, as Bacon says, to men's business and bosoms.

The 'Vision' exhibits with appalling fidelity, and as with a moral scalpel, the pride and selfishness of the rich; the dishonesty of merchants and traders; the scandalous corruption of the clergy; the degradation of the poor; and the moral and spiritual awakening that had begun. Yet the writer does not attack the doctrines of the Church; but only its political and social abuses. He was born and spent his life among the poor. He knew from bitter experience their toil and hardships; their famine and cold; their sufferings and wrongs; their

joyless monotony and their despair; all of which he describes with the grim irony of Hogarth, the realism of Dante, and almost with the savage cynicism of Swift. For more than a century this poem enjoyed great popularity. It had much effect also in the work of religious and political reformation. Many parodies and imitations of it attest its power. One is a poem of some length, the 'Creed of Piers Ploughman,' composed probably in 1393 or 1394, and pretending to emanate from the writer of the 'Vision.' It is, however, again judging by internal evidence, the work of a different author. It is the embodiment of the democratic principle which lay at the foundation of opinions then agitating the world. This poem describes in vigorous language, and with illustrations which, as usual, often descend to coarseness, the pride and the worldly character of the priests, their luxury and simony. The priesthood in general are accused of taking Judas as their pattern. The secular clergy were selfish and eager to make money. So strictly did they collect their dues that they would put people in the stocks for the tithing of a duck, or an apple, or an egg. They were always to be seen at the wrestling and the wake, and were "chief chanters at the alehouse." The monks were rich, proud, and worldly-minded, and lived like lords.

Other lampoons of the day, yet surviving, rude and rough though they are, express the strong feeling that led to the revolt of the peasants; setting forth their demands for right and justice, their resentment against their oppressors, and their indignant sense of the vices of the Court. To these poor, toiling, suffering, half-starved people the burden of life was crushing, and the evils of which they complained were real and urgent. They were ridiculed and flouted by Court sycophants and witlings. Knights and men-at-arms thrust them aside or rode over them. Gower, the poet, refers in his 'Vox Clamantis' to the names by which some of the leaders were known, and puns upon them in doggerel fashion in some Latin lines which quaint old Fuller has freely rendered. Flippant ridicule of this kind, though cheap and easy, was no answer to popular demands. They included such just and reasonable things as the abolition

of bondage, the doing away of market tolls and imposts on trades, and that "no acre of land held in villenage be held at higher rate than fourpence a year. In other words, there was to be a fixed rent, instead of uncertain and arbitrary service. There were, of course, diverse objects sought. Local circumstances operated. In London, John of Gaunt had made himself unpopular, and was denounced; but in Kent it was vaguely proposed to make him King. In the same county lawyers were assailed; being specially obnoxious. In Suffolk, the title-deeds of the landlords, and mortgage bonds held by monasteries, were seized and burned. This was done in other places with the rolls of taxation and with the county records. Millstones were broken, in protest against the monopoly that compelled all corn to be ground by the lord of the manor, at any charge he chose to fix. Various grievances found opportunity for assertion; as did the indulgence of private feuds and grudges. These demands and acts were the first blind and blundering steps into freedom of long down-trodden and despised serfs. The representatives of authority were never less likely to command respect than at the crisis when this was most needful to preserve law and order from a terrible overthrow.

The immediate occasion of the portentous outbreak of the peasants, as distinguished from the main causes already described, was an attempt to levy a capitation tax; imposed in 1377, and rarely heard of in England before that time. In the initial instance it was a uniform poll-tax of a groat, or fourpence, levied alike on the poor and the rich. Holinshed says it was paid with great grudging, and many a bitter curse. The second attempt, in 1379, was regulated by estate and rank; ranging from six pounds thirteen and fourpence down to fourpence; the latter being the scale for an ordinary labourer, and payable by every person above the age of fifteen. The anticipated sum of one hundred thousand pounds was not yielded by one-half. Yet, in the following year, a third imposition of the kind was attempted. Instead of being graduated, every lay person, male and female, above fifteen, however poor, was assessed at three groats. This was equivalent to fifteen shillings of modern money, or

four days' wages of an ordinary labourer, who had to pay the same tax for his wife, and for each of his children above the specified age. To such, it was dire oppression, which was not mitigated by persons of substance being ironically exhorted to assist the poor to pay. The famous saying attributed to Tiberius Cæsar, in reference to excessive taxation, has been too often unheeded by arbitrary rulers: — "It is the duty of a good shepherd to shear his sheep; not to flay them." As is always the case with taxation, this particular levy pressed heavily upon artisans and mechanics, and on all who subsisted by handicraft or agriculture. It was brought home to every family, even the poorest, in an irritating form. The amount realized was again much below the estimate, and commissioners were sent through the Home Counties to make inquiries. Thus the notorious wastefulness of the Court and the mismanagement of the French wars were thrust into prominence and compelled discussion in every household.

A plan was next adopted of farming out the arrears, on the modern Turkish plan; with the inevitable result of rapacity, extortion, insolence, and cruelty on the part of the collectors. Resentment soon grew into resistance, not only because of the imposition of the tax, but chiefly on account of the coarse and brutal manner in which it was exacted. Knighton says that it was not uncommon to end disputes as to the legal age of those from whom payment was demanded, especially in the case of girls, by resorting to a summary method of personal examination that outraged every feeling of modesty. An act like that which led to the overthrow of the Decemvirs in the case of Virginius and his daughter, or the one that caused the Sicilian Vespers, led to an outbreak in this country. The English of the fourteenth century were not a people to tolerate such treatment, nor would they submit to its judicial enforcement. The Chief Justice of the Common Pleas was hurriedly dispatched to restore tranquillity. This meant the prompt suppression of all resistance by the strong arm of law. The patent plan of bad rulers was adopted, of giving short shrift to a number of miserable wretches, who were perfunctorily tried and then strung up in rows upon gibbets. A summary stop was

put to this procedure by threatening reprisals upon the judge himself. All this augmented the disaffection, instead of subduing it. Thousands of people assembled in Essex, Herts, Cambridge, Norfolk, Kent, and elsewhere; as far West as Devon, and as far North as Yorkshire. Norwich Castle was stormed. Of the Bishop of that diocese, Henry Spencer, known by the sobriquet of the Fighting Prelate, the story is told that after having routed one body of insurgents, he exchanged his weapons and armour for his sacerdotal robes, and confessed and absolved his prisoners as he hurried them to the gibbet without form of trial.

The combustible materials only awaited a spark; and this was soon applied. The collection of the obnoxious poll-tax was to be made at Whitsuntide, which fell early in June of the year 1381. On the fifth, one of the collectors entered the house of an artisan in the town of Dartford, in Kent. That county had been ruled by Gavelkind and other local customs, from Saxon times, and its people sacredly cherished a spirit of freedom and independence. They knew nothing of the "servitude that hugs her chain." By ancient usage, every one born within the county was free, even though the parents were villeins. This explains their passionate love of liberty, and the prompt, stern action taken in this case. The collector demanded payment for a girl who stood by. The mother asserted she was not of age to be liable to the tax. The dispute grew warm, and the man proceeded to take liberties with the daughter. The indignation of the woman, vented in loud cries, aroused her neighbours. News of the insult to his wife and child reached Walter the Tiler at his work. He ran through the town with his tool in his hand, and placing himself before the ruffian, demanded on what authority he had dared so to conduct himself. The knave became abusive, when a miserable tax-payer presumed to question a royal tax-gatherer, and he levelled a blow at Walter, who, with a single stroke of his lathing hammer, laid the collector dead at his feet. Multitudes gathered around, expressed their admiration of his conduct, and vowed to defend him. The flame of insurrection quickly spread. Within a few weeks Walter appeared at Blackheath at the head

of a body vaguely said to number not less than a hundred thousand persons, and armed with such rude weapons as came to hand. Communications had long before been opened with the villeins on the other side of the metropolis, and arrangements made for a general rising, which was probably somewhat precipitated by these events. Robert Southey has dramatized them in a manner unworthy of his fame.

Thus far, the great men who were regarded as having given evil counsel to the boy-King, Richard II. (b. 1366, r. 1377–1389), appear to have been the exclusive objects of resentment. To the day on which the insurgents halted at Blackheath, the oath exacted of all who joined them was that of fidelity to Richard and the Commons. The King sent to inquire into the cause of the tumult. The answer returned was that they sought an audience. Some of the royal councillors advised him to consent; but Sudbury, Archbishop of Canterbury, spoke scornfully of the persons from whom this request had proceeded; designating them, among other epithets, as "shoeless ribalds." Unfortunately for him, the advice and the contemptuous phrase were not forgotten. A few days later, a crowd forced its way into the Tower of London, beheaded the Archbishop, the commissioner of the poll-tax, and some others, as traitors; and bore the heads on lances through the streets in triumph. The King promised to grant an audience at Rotherhithe; and if this had been carried out, the unhappy events of the following days might have been prevented. The main body assembled on Blackheath, resolved to march upon London, where they were sure of sympathy from the populace. For several days the city was in their hands; yet no damage was done and no violence was perpetrated, excepting that John of Gaunt's magnificent palace of the Savoy was pillaged and destroyed; as was the house of the Knights Hospitallers in Clerkenwell, whose Prior had become obnoxious by the way in which he had discharged the duties of King's Treasurer. The design was to punish some who were regarded as enemies and traitors, so that the poor might have a chance to live under good laws and better government. At the same

time a proclamation was issued forbidding individual plunder.

So dire was the exigency, that Richard's advisers recommended a policy of moderation and concession, as the only means of appeasing the clamour. The young King at length held the promised conference with the popular leaders at Mile End, and another one in Smithfield. He engaged to redress their grievances: especially that arbitrary rents and fines should cease, that there should be freedom to buy and sell in all fairs and markets, and that slavery should be abolished; on condition that the multitude dispersed and returned to their homes. The royal clerks were busy writing letters of pardon and emancipation; soon to be proved worthless. During the colloquy in Smithfield, a dispute arose between Wat Tiler and one of the royal squires, in the midst of which Sir Wm. Walworth, the Lord Mayor, attacked and killed Tiler. Threats of revenge were heard, and for a few minutes the condition of affairs was critical; when Richard, with the boldness of a boy—he was only fifteen and the spirit of his race, rode into the crowd and offered to be their leader. One object of their movement had been to free the youthful sovereign from alleged evil advisers; and so, with a trust that was pathetic, if simple, they were induced to separate, and the danger passed. The entire rising had occurred in a fortnight. Measures were instantly devised by the ruling party to undo what had been done and to exact vengeance to the full. According to Froissart, fifteen hundred of the offenders perished in various counties by the hands of the executioner. In addition to these, four times the number are said to have been ridden down and slaughtered by the chivalrous barons and knights, as soon as the immediate danger was over.

The priest, John Ball, was arrested at Coventry, and taken to St. Alban's, where the Court was being held. Under the influence of terror or of compulsion, he made, or was said to have made before his execution, a confession implicating the Wycliffites; although this is doubtful. Their opponents eagerly grasped the weapon thus placed in their hands, and the followers of the Reformer were henceforth assailed not only as heretics

but as subvertors of public order. In some cases where men were charged, the royal letters of pardon and manumission were exhibited; only to be met with insolent scorn. Richard himself is reported to have said in one instance, in reply to such a plea, "Villeins you were, and villeins you are. In bondage you shall abide, and that not your old bondage, but a worse." This resembles what is recorded of Rehoboam; and perhaps the Chronicler placed the rhetorical rebuff in the mouth of Richard. He cancelled the letters and repudiated his promises, under the pretext that they had been extorted by violence. When Parliament met in November, 1381, his action was approved. Nothing was done to remedy the evils that had led to the attempted revolution. The landlord Parliament declared that under no circumstances would they give up the services of their villeins. Richard had not the patriotism or the heroism to place himself at the head of the peasants—excepting in the one brief moment of excitement—and thus obtain consideration for their just demands. On the other hand, he was jealous and fearful of the dominant class, whom he was unable to curb. The hour of freedom had not yet struck, but the moments were rapidly passing on, and not all the declarations and resistance of King, Lords, and Commons could retard the stroke. The royal pardon was granted to those who had assisted in repressing and punishing all "who now of late did traitorously rise by assemblies in outrageous number;" just as an Act of Indemnity was passed for the illegal and barbarous manner of suppressing the Irish Rebellion of 1798. This was to justify the rough and violent methods pursued in stamping out the tumult. All agreements and bonds made during the time by compulsion or menace were declared void. Six years later, additional precautions were taken against a diminution of the supply of villeins, by an enactment that any boy or girl who had served at the plough or cart till the age of twelve, should henceforth abide at the same labour, and it was declared illegal to teach them any other handicraft. Nor were they to be sent to school, lest they should be advanced in the world by entering the Church.

Thus the insurrection was put down by force and

vengeance; but only for a time. This servile war was all but successful, and the recollection of it emboldened others in subsequent attempts. Andromeda waited, and not in vain, for her Perseus. If the royal and baronial party supposed that the mischief was ended, they were grievously mistaken. They only remitted to their children the working out of a problem the difficulties of which increased with time. Yet although a heavy penalty was exacted from the peasants for their temerity in resisting oppression, the system of villenage was doomed. Nominally refused, the demands made were silently accorded before long. Out of immediate and temporary failure was evolved ultimate and permanent success. The plant, nettle, yielded the flower, safety. Weary watching, indignant resistance, heroic protest, patient endurance, imprisonment, tears, and death were needed to develop a noble and happy Future. It seemed also as if the great religious movement under Wycliffe was checked, if not defeated; for in the panic caused by the Peasants' Revolt it was boldly and unscrupulously asserted that his doctrines were provocative of the outbreak. Thus the odium, the hatred, and the vengeance were directed against him. The prelates combined with the Court to make the most and the worst of this. For a time, they appeared to triumph; but the day of retribution dawned at length, and the work of Wycliffe was crowned and vindicated.

Any one competent to discern the signs of the times might have perceived the inutility of such measures as the Statutes of Labourers and similar enactments, which, though less than fifty years old, were already a dead letter. Instead of wise concessions being made at this crisis, which would have deprived the popular complaint of its sting, fresh venom was added by insensate efforts to revive the oppressions of an effete Feudalism. Froissart, its warm panegyrist, has recorded his opinion that the turbulence of the English peasantry was caused by their being too comfortable! The knightly Chronicler, whose sympathies were narrowed to his own class, says,—"The evil-disposed began to rise; saying that they were too severely oppressed, that at the beginning of the world there were no slaves, and that no one ought to be treated as such unless he had

committed treason. . . . This they would not longer bear, but had determined to be free; and if they laboured or did any other works for their lords they would be paid for it." So far from Froissart's conjectural reason being the true one, the great extent of the insurrection proved that it was the result of much suffering. It was, in reality, a revolt against the false system of political and social economy hitherto accepted almost unquestioningly as the Divine order of the world. As Bacon sagely remarks:—"It is the solecism of power to think to command the end, and yet not to endure the means."

That momentary glimpse into the condition of thousands of toiling slaves of the soil, as into some seething Tartarus, reveals as by a lightning flash their horrible condition. They were bought and sold with the properties to which they were irremoveably attached. Whenever the country suffered from calamity, pestilence, or war, as it had been suffering to the extreme limit of endurance, it was upon them that the heaviest part of the misery fell. They were just awakening, under new religious and social impulses, to a knowledge of what was their due. In a moment of frenzy, under provocations which might have maddened wiser men, they rushed into revolt. It failed for the time, yet, in a nobler sense, it triumphed. Economic laws proved too strong for the ruling classes. They found it to be advantageous to bargain with the labourer as a freeman, rather than to treat him as a serf to be compelled to work for nothing, or for such a pittance as they might choose to dole out. The result was that slavery in England became extinct. It died of inanition. In little more than a century it was an archæological curiosity. A rapid process of enfranchisement went on through the force of circumstances; by the teaching, if not always by the example of the Church; and in spite of the lords of the soil. The Athenians erected a lofty statue to Æsop, though a slave, that all might know that the way to fame is open to every one. In England, the class of yeomen and small freeholders became the basis of the future electoral system, and the labouring classes were ultimately enfranchised, although, for a long time unrepresented in the House of Commons.

While these religious discussions and political and social

contests were waging, Richard II. was but a cipher in the hands of a Council nominated and controlled by his uncles, the Dukes of Lancaster and Gloucester. The Merciless Parliament met in February, 1388, and carried on for four months the work that earned its unenviable title; sweeping away the King's friends. He made several attempts to escape from tutelage, but did not succeed until May, 1389, when he attained the age of twenty-two. For several years the course of administration was smooth. Parliaments were regularly convened, and the internal affairs of the country were cared for. Richard's first wife, the Good Queen Anne of Bohemia, as she was termed, a girl to whom, when a mere boy, he had been married in 1381, died in 1394. Two years later, being then twenty-nine, he contracted himself to Isabella, a child of seven, daughter of Charles VI. of France. It was one of the politic or mercenary unions of the age, which, like all such alliances, proved a failure in the end, although a temporary advantage was secured in a truce with France, which lasted for twenty-eight years. Richard II. was involved in a weary round of Court intrigues, and in a series of personal quarrels with his relatives. He could not forget and he would not forgive the indignities to which he had been subjected. His hatred, if not worthy of being called immortal, was as deep-rooted as his dissimulation was profound. Any number of oaths were taken to keep the peace, and for mutual reconciliation. Mock trials of opponents were followed by judicial murders. Deadly feuds arose that were perpetuated for generations. Out of these squabbles eventually sprung the Wars of the Roses, which cursed the land for thirty years, and resulted in the Tudor despotism. Yet these calamities were not unmixed evils. Aristocratic power, weakened during the Civil Wars, was kept in strong check by the Tudors, and has never since been able to assert itself in the old dangerous fashion.

With his successful emancipation from the thraldom of his uncles, a change for the worse, either of character or in policy, seems to have come over Richard II. It is impossible to escape the conclusion, judging from his subsequent conduct, that he aimed to be absolute. Like some of his predecessors, he repudiated inconvenient

promises; but he went much further, and struck at the root of constitutional government. Circumstances appeared to favour the scheme. Leading nobles had been banished, owing to their mutual rivalries. Among these was Henry Bolingbroke, Earl of Derby; created Duke of Hereford by Royal Patent. He was son of John of Gaunt, and grandson of Edward III. His father, after a chequered and stormy life, in the latter part of which he claimed the throne of Castile, through a second marriage, died in 1399, three months after Bolingbroke's banishment. The removal of this wealthy but dangerous subject appeared to render Richard victorious over all obstacles, and to place within his grasp the despotic power for which he strove. He was virtually above the control of law. By the grant of a Subsidy for life on wool and leather, made in a packed Parliament which sat for three days in January, 1398, in Shrewsbury, he was relieved from the necessity of convening the Legislature unless he chose. With the aid of a selected Committee of eighteen, the members of which proved obsequious ministers of his will, he could issue what Ordinances he pleased. A former declaration by the two Houses, that he was as free as any of his predecessors, was cunningly interpreted as releasing him from the obligations of Statutes hostile to an excessive royal prerogative. But he had forfeited the popularity earned during the preceding ten years; and his false security hurried him on to other acts of despotism, and at length plunged him into ruin. He raised money by forced loans and by the sale of trading Charters. He compelled judges to expound the law according to his own wishes. He put at one time seventeen counties out of the protection of the law, under the pretence that they had favoured his enemies. Many such despotic outrages were perpetrated, and they aroused a spirit of determined opposition; for it was not possible that such a reversal of the work of three centuries should be permanent.

Henry Bolingbroke had long been the idol of the fickle populace. The voluntary assemblage of thousands to bid him farewell, on his departure from London into exile, might have warned Richard of approaching danger.

Yet it was in this juncture that he determined to go in person to Ireland, to quell an outbreak. The country had never been really subdued since the time of Henry II. A partial settlement, within a very limited area, had been effected in 1210, when King John spent some time in Ireland. But it was still divided into two unequal portions; the larger being held by the original tribes, who were in a chronic state of internecine warfare; and the smaller by the English settlers within the districts around Drogheda, Dublin, Wexford, Waterford, and Cork. An Ordinance concerning Ireland had been issued in 1357. The preamble recites various disorders which had arisen through bad government and neglect of the proper officers. It then provided that "the liberties of the Church shall be confirmed; that all public matters be freely discussed in Council and in Parliament; that Justices and other great officers shall not retain evil counsellors in their service; and that purveyances shall be regulated by existing Statutes." The Ordinance did not remedy the grievances complained of, and Ireland continued to be misgoverned and a prey to internal strife.

During Richard's absence of about ten weeks, Bolingbroke, now Duke of Lancaster, and other banished noblemen, opened communications with the leaders of the disaffected party. A formidable conspiracy was planned, Henry landed on the Yorkshire coast with a few followers, and was immediately joined by his powerful adherents. It was announced that his sole object was to secure his patrimony, wrongfully withheld; but other and more ambitious designs were soon revealed. He marched on London at the head of a force said to amount to sixty thousand men, and was received everywhere with enthusiasm. His rapid movements and his extraordinary success decided many waverers. By the time that Richard, after an unaccountable delay, had returned from Ireland to Milford Haven, his opponent had secured the entrances to England against him; had advanced to Chester at the head of an imposing force; and was master of all the fortresses on two sides of an imaginary triangle, the apex of which was at Bristol, and the base of which extended from the mouth of the

Humber to the mouth of the Dee. The King made his way by stealth, attended by a few trusty friends, to the strong castle of Conway. The army that he brought from Ireland melted away like snow; after plundering the royal baggage. Other forces which he expected to find at Conway did not assemble. Negotiations were entered into with the Duke. There was much cunning and lying on both sides; each scheming to circumvent the other. In the end, Lancaster showed himself to be the master in the art of duplicity, and Richard became his virtual prisoner at Chester; to be exchanged for actual captivity in the Tower of London. Writs were issued in the royal name for a Parliament to meet in September, 1399. He was then deposed. The Rolls of Parliament make it appear as his own act and deed; as do the partisan writers of the time. Early in the following year he is supposed to have died in Pontefract Castle, most probably by violence, although the precise circumstances are shrouded in mystery. Shakspere's genius has conferred immortality upon a story that was first circumstantially told more than a century after that catastrophe occurred. The Revolution which ensued, though brought about by national resistance to misrule, is a memorable event in English history. The method of its accomplishment shows the elaborate care taken to give it the appearance of having the sanction of constitutional forms, and to regulate by the principles of law acts performed by the highest Court of Judicature in the realm. One curious illustration of this is that as the Parliament would be dissolved by the resignation of the King, just as in the case of his death, hurried preparations were made to issue new writs convening another six days afterwards. Before this met, the Revolution was accomplished. Henry IV. claimed the throne as descended from Edward III., and his claim was recognised by the nondescript assembly.

Into the personal review it is unnecessary to enter. The only vital matter concerns the future of English liberties. However convenient it may be, in accordance with the legal figment that the King can do no wrong, to exempt monarchs from criminal proceedings, it cannot with justice be denied that a royal conspiracy against

popular freedom is as heinous as the conspiracy of subjects against the authority of their prince. With such a conspiracy Richard is indisputably chargeable, and he united an irascible temper with deep, lasting, and sleepless revenge. But England was the gainer. The abrupt termination of his reign marks an era. Not that a mere change of dynasty is the central point of interest, or that the transition from the direct Plantagenet line to a collateral branch materially affected the national destinies. Important constitutional issues were raised, and settled in a manner that formed a precedent for the future. The nation was not then prepared to assert its rights against pretended royal prerogative. Not for nearly three centuries did the conclusive battle wage between kingly supremacy and representative constitutionalism. The latter triumphed in what is now universally described as the Glorious Revolution. By the time of the Stuarts, the English people were ready to cope with despotism; and they triumphed. In the time of Richard II., they were politically uneducated and untrained. More could not have been accomplished. Viewing the period now reached, by contrast with what had gone before, there had been marked progress. Two hundred and thirty-three years had intervened since the great Revolution effected by the Norman descent upon England. In the interval, another Revolution had been taking place in the national life and character: gradually, but marvellously, and with momentous issues depending upon it.

As in Nature, so in History, a period of Development is sometimes arrested by one of Retrogression; which is not, however, in either case, an unmitigated evil.

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